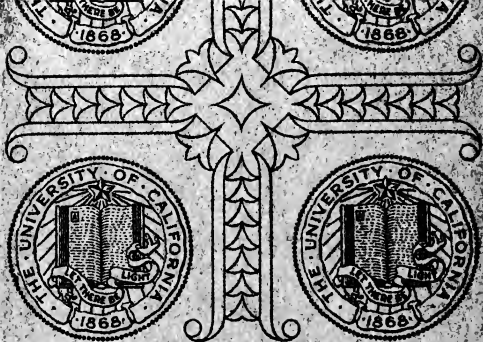


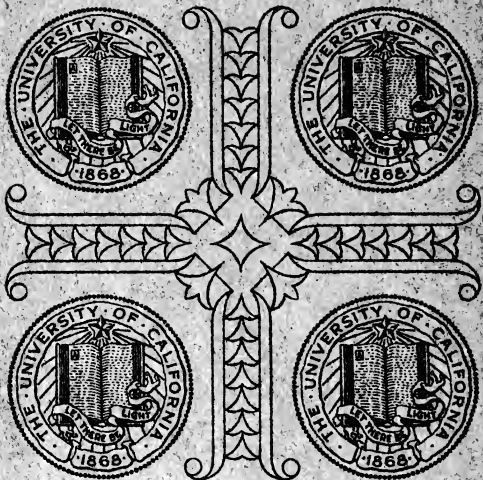
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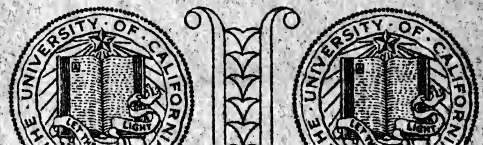
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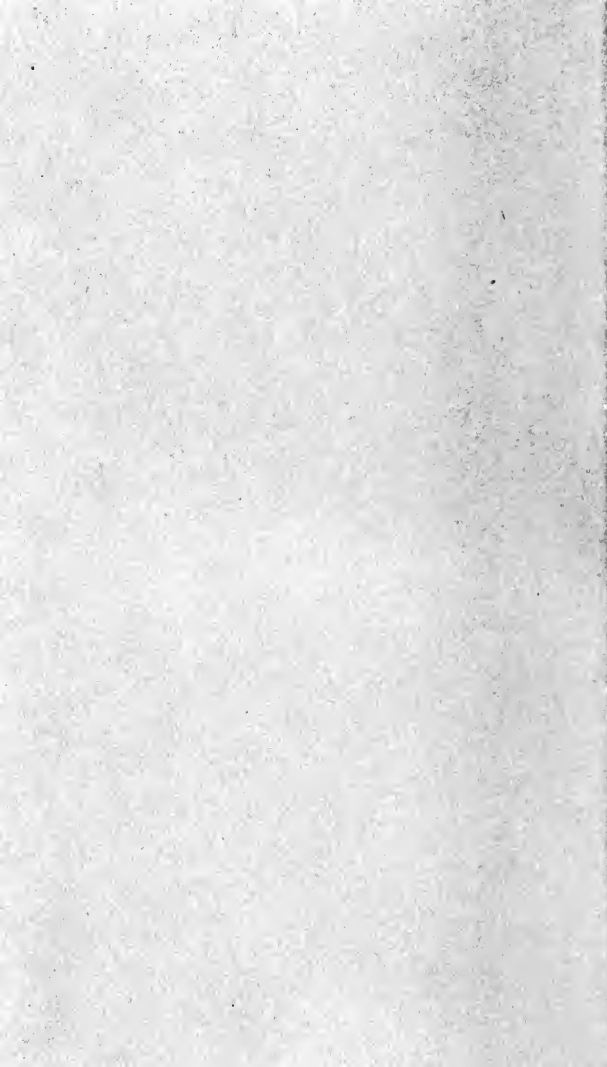
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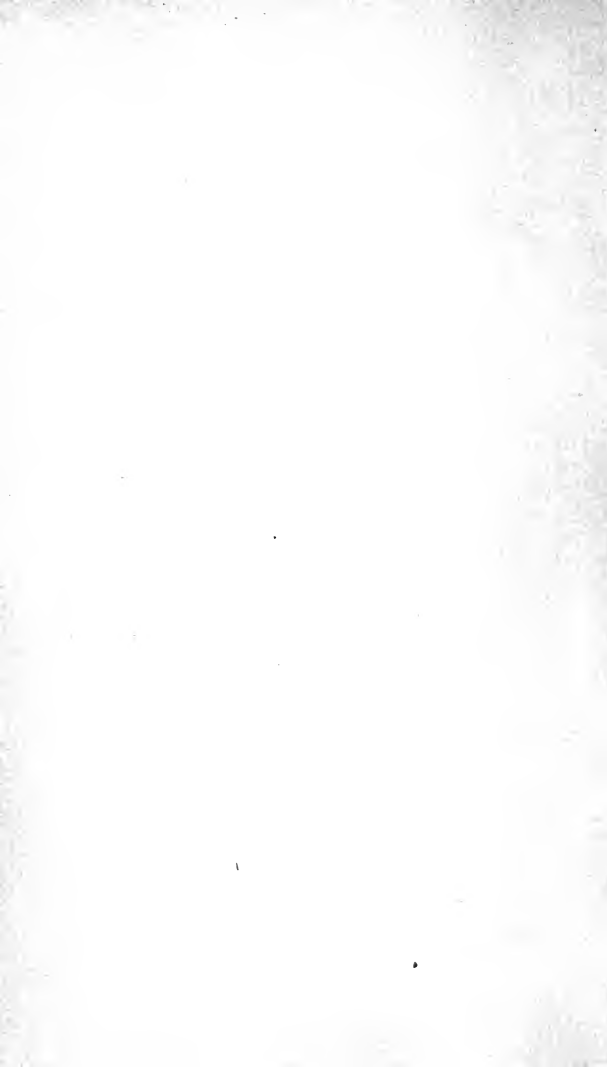
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THE ANGLO-BOER CONFLICT

Its History & Causes

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THE ANGLO-BOER CONFLICT

Its History and Causes

BY

ALLEYNE IRELAND

Author of TROPICAL COLONISATION, etc.



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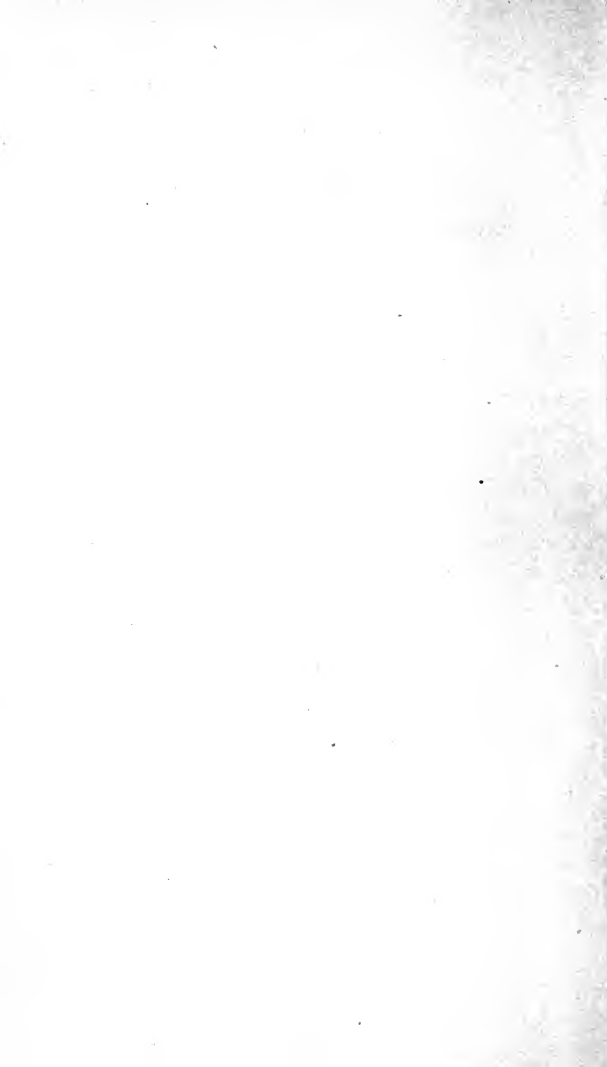
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Vouchsafe to those that have not read the story,
That I may prompt them: and of such as have,
I humbly pray them to admit the excuse
Of time, of numbers, and due course of things,
Which cannot in their huge and proper life
Be here presented.

Shakespeare, Henry V.



PREFACE.

THERE is no lack of excellent books relating to South Africa, and the present volume is not intended for those who have the leisure and the inclination to gain their knowledge of the causes of the Anglo-Boer conflict by reading some score of bulky works written by historians and travellers.

My object is to provide a brief and accurate account of the events which have led up to the war, for the use of those who, whilst feeling an interest in the situation, are unable to go over all the ground covered by the many writers on the subject and by the very extensive official documents of the case.

During the past twelve years I have spent most of my time in the British Colonies, and during that period I have devoted myself to the study of British Colonisation in its historical, political, and economic aspects. The kind reception afforded by the public and by the press to my recent volume on "Tropical Colonisation" has convinced me that the American people are anxious to know something of England's work as a colonising power, and I venture therefore to hope that the present narrative of one of the most diffi-

PREFACE

cult problems of British Imperial policy may prove of some interest.

For the convenience of the reader I have added to this work, in the form of an appendix, a list of the principal books and magazine articles which I have consulted, other than official publications. I am indebted to the editor of the *Atlantic Monthly* for his courteous permission to use in this book portions of my article on "Briton and Boer in South Africa," which appeared in the December number of that periodical.

ALLEYNE IRELAND.

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THE ANGLO-BOER CONFLICT



THE ANGLO-BOER CONFLICT.

CHAPTER I.

It would be difficult to overestimate the importance of the conflict now raging in South Africa between the British and the Boers. It is not too much to say that on the issue of the conflict depends the future of the British Empire. Rightly or wrongly, England conceived that her subjects in the Transvaal had been compelled to submit to ill-treatment so great, so deliberate, and so long continued that it was impossible to refrain any longer from interference unless the proud boast *Civis Britannicus sum* was to become a jest and a by-word.

The immediate question to be decided in South Africa is whether the British Empire is strong enough to protect its citizens in foreign lands from injustice and oppression. Failure to carry the war to a successful issue would prove that the Empire does not possess this power; and the result would be that the whole magnificent edifice of British Imperialism would fall to the ground, like a child's house of cards.

THE ANGLO-BOER CONFLICT

In order to understand the events which are occurring in South Africa, it is not enough to examine the terms of the Conventions between Great Britain and the Transvaal, and to limit one's inquiry to the question as to whether these terms have been observed. Although the results of such an inquiry might be sufficient to guide the action of statesmen, the student of politics requires more than this. He would read the statesman's despatch in the light of historic evolution.

For the purpose of a brief review of the present situation, it is convenient to divide the history of South Africa into six periods: (1) From the final British occupation of the Cape Colony in 1814 to 1852, the year in which the Transvaal became a separate State. (2) From 1852 to 1877, the year in which England resumed sovereignty over the Transvaal. (3) The revolt of 1880 and the Conventions of 1881 and 1884. (4) The growth of the Uitlander grievances since the re-erection of the Transvaal in 1881. (5) The Jameson raid. (6) The interference of Great Britain in order to secure redress for the Uitlander grievances.

At the outbreak of war between France

INTRODUCTION

and England in 1803, Cape Colony belonged to the Netherlands. In 1806 Louis Napoleon was made king of the Netherlands; and in the same year England attacked the Cape, as it was then a French possession. The Colony capitulated on Jan. 10, 1806. The British occupation was made permanent by a Convention, signed in 1814, between Great Britain and the Netherlands, by the terms of which England paid thirty million dollars for the cession of the Cape Colony and of the Dutch colonies of Demerara, Berbice, and Essequibo, which now form the colony of British Guiana.

It was hoped that the Dutch and the English in the Cape Colony would live together in friendly intercourse, and that eventually, by intermarriage, a fusion of the two races would be effected. This hope was doomed to disappointment; for an antagonism gradually developed between the old and the new colonists, which led to the establishment of two Republics beyond the border of the Colony. The first step toward the formation of these Republics was the emigration during 1836 and 1837 of about eight thousand Dutch farmers from the Cape Colony,—a movement which is generally

THE ANGLO-BOER CONFLICT

referred to as the Great Trek. These men went out of the Colony, and established themselves in the vast hinterland. It is most important to understand the causes which led to the Great Trek. They were the misguided zeal of the English missionaries, the abolition of slavery with the safeguarding of the natives' interests, and, lastly, what Canon Knox Little describes as "England's fatuous policy of vacillation, betrayal, friction, irritation, postponing, changing, doing, and undoing."

The troubles with the missionaries began even before the Colony was ceded to England. In 1811 a certain Mr. Read, of the London Missionary Society, wrote a letter, which was widely circulated in England, in which he asserted that over one hundred murders of natives by the Dutch had been brought to his notice in his district, and that the Governor of the Colony remained deaf to the cry for justice. An inquiry was ordered by the Government, and every facility was given the natives for proving Mr. Read's charges. After throwing the whole district into confusion by summoning over a thousand witnesses, many of whom were under arms on the frontier in expectation of a Kosa

1. TROUBLES WITH MISSIONARIES

raid, the Circuit Court found that the charges were grossly exaggerated. The net result was the sending up for trial of five Dutchmen. George McCall Theal, in his *History of South Africa*, says in regard to this affair: "The Black Circuit, as it was called, produced a lasting impression amongst the Dutch. It was no use telling the people that the trials had shown the missionaries to have been the dupes of idle story-tellers. The extraordinary efforts made to search for cases and to conduct the prosecutions appeared in their eyes as a fixed determination on the part of the English authorities to punish them, if by any means a pretext could be found. As for the missionaries of the London Society, from that time they were held by the frontier colonists to be slanderers and public enemies." That the actions of the missionaries really influenced the Dutch in their determination to leave the Colony is shown by a manifesto published by Pieter Retief, one of the most prominent trekkers, stating why British rule was no longer endurable. The fourth paragraph of the manifesto says: "We complain of the unjustifiable odium which has been cast upon us by interested and dishonest persons,

THE ANGLO-BOER CONFLICT

under the name of religion, whose testimony is believed in England to the exclusion of all evidence in our favour; and we can foresee, as the result of this prejudice, nothing but the total ruin of the country."

But a more important cause of discontent lay in the policy of protection of native interests, which was vigorously enforced by the British authorities. As early as 1815 the ill-treatment of the natives by the Dutch produced great friction. In that year a complaint was laid before a magistrate against one Frederik Bezuidenhout, for assault on a native servant. A summons to appear was disregarded, and a warrant was issued for the man's arrest. Every effort was made to effect the arrest peaceably; but the man surrounded himself with a band of his friends, and fired on the party detailed to make the arrest. A fight ensued, in which Bezuidenhout was killed and thirty-nine of his comrades were arrested. They were tried by jury before the High Court, and five of them were condemned to death. This affair, in which the British authorities are supposed to have acted with unnecessary severity, is constantly recited by the Boers at public meetings, in order to inflame the peo-

THE ABOLITION OF SLAVERY

ple against England. Referring to this matter in his *Oom Paul's People*, Mr. Howard C. Hillegas says, "The story of this event in the Boer history is as familiar to the Dutch school-boy as that of the Boston Tea Party is to the American lad, and its repetition never fails to arouse a Boer audience to the highest degree of anger."

As a matter of fact, the blame for this affair rests entirely with the Dutch official who was charged with the carrying out of the penalty. That official, the local Field-cornet, had in his pocket at the time of the execution the Governor's order for the pardon of the prisoners. He suppressed it from motives of personal spite; and afterwards, fearing detection, he committed suicide.

I now pass to a question which is at the bottom of a great deal of the ill-feeling between the Dutch and the English,—the abolition of slavery. The Emancipation Act came into force in Cape Colony on Dec. 1, 1834, the number of slaves in the Colony at that time being about forty thousand, mostly in the hands of the Dutch. The value of these slaves was three million pounds sterling, but the Imperial Government awarded only a million and a quarter as compensation.

THE ANGLO-BOER CONFLICT

In this respect the Dutch slaveholders were no worse off than the West Indian slaveholders, but they undoubtedly had a grievance in the fact that the compensation was made payable in London.

George McCall Theal, the historian of South Africa, says that the abolition of slavery had little to do with the Great Trek; but in this opinion he stands alone amongst writers on South African history. It is difficult, indeed, to reconcile his view with the terms in which he describes the effect of abolition on the minds of the Dutch. He says: "It is not easy to bring home to the mind the wide-spread misery that was occasioned by the confiscation of two millions' worth of property in a small and poor community like that of the Cape in 1835. There were to be seen families reduced from affluence to want, widows and orphans made destitute, poverty and anxiety brought into hundreds of homes." Pieter Retief stated in his manifesto that the abolition of slavery was one of the reasons why his band was leaving the Colony. Another powerful cause of discontent was the attitude of the Colonial Office in regard to the Kaffir war of 1834-35. On Dec. 21, 1834, twelve thousand armed

KAFFIR WAR OF 1834

Kaffirs raided the Colony; and it was only after severe fighting that the Dutch farmers succeeded in driving them back over the Kei River. Sir Benjamin D'Urban, Governor of the Colony, extended the boundary of the Colony to the Kei River, in the hope that the strong natural barrier which it afforded would keep the two races from further conflict. Unfortunately, Lord Glenelg, Secretary of State for the Colonial and War Departments, entirely misunderstanding the situation, ordered the restoration of the territory to the Kaffirs. This action, which finds a parallel in more recent South African history, had the most far-reaching results. It disheartened the Boers who had shed their blood in upholding what they believed to be the honour of England, and at the same time encouraged the Kaffirs to further outrages.

Thoroughly disgusted with British rule, about eight thousand Boers left the Colony; and the Great Trek was accomplished. If ever men had reason to turn their backs on an unjust and unfaithful government, the Boers had, when, after losing their property and after being deprived of the fruits of victory, they inspanned their oxen and went out into the wilderness.

THE ANGLO-BOER CONFLICT

I cannot refer here to the early adventures of the trekkers. Suffice it to say that, after much fighting with the natives, and a great deal of vacillation on the part of the British Government, the independence of the Transvaal Boers was recognized by the Sand River Convention in 1852, and the Orange Free State was established as an independent Republic in 1854.

CHAPTER II.

THE story of the Transvaal from 1852 to 1877 is one of continual strife and discord. The Boers were divided amongst themselves, and formed four small Republics, which did little but quarrel with one another over religious and political questions. Occasionally they combined to fight the natives, with whom they never succeeded in establishing friendly relations. In 1857 the internal dissensions were varied by a raid into the Orange Free State. One of the objects of the raid was to compel the Free State to enter into confederation with the Transvaal; and one of the officers in command of the raiding party was S. J. P. Kruger, now President of the Transvaal. The raiding party found itself face to face with a large body of armed Free State burghers, and Kruger was sent in with a flag of truce to seek terms. The Orange Free State would not hear of confederation with the Transvaal, but yielded on one point, which is of great interest at the present time. This point is contained in Article 7 of the Treaty concluded on that occasion, which runs, "The deputies of the Orange Free State promise to grant and

THE ANGLO-BOER CONFLICT

extend within their State the same rights and privileges to the burghers and subjects of the South African Republic as shall be afforded to those of the Cape of Good Hope and Natal."

So it is seen that in 1857 Kruger was prepared to exact by force of arms from the Orange Free State the political rights of Transvaal Uitlanders in the sister Republic.

At length matters came to such a pass in the Transvaal that the peace of the whole of South Africa was threatened. Notwithstanding an express agreement to the contrary in the Sand River Convention, the Boers persistently practised slavery, and made a habit of raiding friendly native kraals for the purpose of carrying off the women and children. Since this has been repeatedly denied during the past few months, I think it well to put the fact beyond dispute by quoting from four independent sources. British Blue Book C. 1776, published in 1877, says: "Slavery has occurred not only here and there in isolated cases, but as an unbroken practice has been one of the peculiar institutions of the country. It has been at the root of most of its wars." Dr. Nachtigal, of the Berlin Missionary Society, wrote to Presi-

SLAVERY IN TRANSVAAL

dent Burgers, of the Transvaal, in 1875, "If I am asked to say conscientiously whether such slavery has existed since 1852, and been recognised and permitted by the government, I must answer in the affirmative." A Dutch clergyman named P. Huet, in a volume published in 1869 entitled *Het Afrikaansche Republiek*, says: "Till their twenty-second year they [the natives] are apprenticed. All this time they have to serve without payment. It is slavery in the fullest sense of the word." In 1876, one year before the annexation, Khame, chief of the Bagamangwato, sent a petition to Queen Victoria. It ran in part: "I, Khame, King of the Bagamangwato, greet Victoria, the Great Queen of the English people. I ask Her Majesty to pity me, and to hear what I write quickly. The Boers are coming into my country, and I do not like them. . . . They sell us and our children. The custom of the Boers has always been to cause people to be sold, and to-day they are still selling people." This fourfold testimony seems to leave little room for doubt.

But what concerned England very nearly was the constant danger of the wars in the Transvaal spreading to British territory,—

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a danger which increased from year to year, as the Republic sank deeper into financial embarrassment. The Boers had never been willing to pay taxes, and at last even the money for current expenses was not forthcoming. In view of these facts the British Government sent out Sir Theophilus Shepstone, in 1876, to visit the Transvaal and inquire into its condition. He was authorised to annex the Transvaal, if he found such a course necessary in the interests of peace and safety, provided the inhabitants or a sufficient number of the legislature were willing. Sir Theophilus Shepstone entered the Transvaal with the knowledge of President Burgers, and proceeded to Pretoria. He was accompanied by twenty-five mounted police, the only force he had within a month's march of him during the whole period of his stay, and at the time he issued the proclamation annexing the country. To assert that the Transvaal was forcibly annexed is, in the face of these facts, absurd. Shepstone took eighteen days to reach Pretoria. His progress was marked by the presentation of numbers of addresses and memorials, from Dutch, English, and natives, praying him to take over the country.

THE ANNEXATION

But he was not prepared to do this until he had satisfied himself that the needed reforms could not be carried out by the Dutch themselves without British aid.

After spending three months in the country, he sent home a despatch, dated March 6, 1877, in which he thus described the condition of the Republic: "It was patent to every observer that the government was powerless to control either its white citizens or its native subjects; that it was incapable of enforcing its laws or of collecting its taxes; that the salaries of officials had been, and are, four months in arrears; that the white inhabitants had become split into factions; that the large native population within the boundaries of the State ignore its authority and laws; and that the powerful Zulu king, Cetawayo, is anxious to seize the first opportunity of attacking a country the conduct of whose warriors has convinced him that it can be easily conquered by his clamouring regiments."

But he was not willing to recommend annexation, if the people of the country were ready to undertake reforms. In fact, President Burgers submitted to Shepstone a new constitution so satisfactory that he declared

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“he would abandon his design of annexation if the Volksraad would adopt these measures, and the country be willing to submit to them and carry them out.” The Volksraad, however, refused to adopt the new constitution. Whereupon Burgers proclaimed it on his own responsibility,—an act which was immediately condemned by the Executive Council. Then President Burgers advised the Volksraad to accept the British annexation. His language was unmistakable. Speaking on March 3, 1877, before the Raad, he said: “I would rather be a policeman under a strong government than the president of such a State. It is you—you members of the Raad and the Boers—who have lost the country, who have sold your independence for a *soupe* [a drink]. You have ill-treated the natives, you have shot them down, you have sold them into slavery; and now you have to pay the penalty. We should delude ourselves by entertaining the hope that matters would mend by and by. It would only be self-deceit. I tell you openly, matters are as bad as they ever can be: they cannot be worse. These are bitter truths, and people may perhaps turn their backs on me; but, then, I shall have the consolation of hav-

THE ANNEXATION

ing done my duty. Whence has arisen that urgency to make an appeal for interference elsewhere? Has that appeal been made only by enemies of the State? Oh, no, gentlemen. It has arisen from real grievances. Our people have degenerated from their former position; they have become demoralised; they are not what they ought to be. To-day a bill for £1,100 was laid before me for signature; but I would sooner have cut off my right hand than have signed that paper, for I have not the slightest ground to expect that, when that bill becomes due, there will be a penny to pay it with."

Continuing, President Burgers said that to take up arms and fight was nonsense. Let them make the best of the situation, and get the best terms they possibly could. Let them agree to join their hands to those of their brethren in the south, and then from the Cape to the Zambesi there would be one great people. Yes, there was something grand in that,—grander even than their idea of a Republic,—something which ministered to their national feeling. And would this be so miserable? Yes, this would be miserable for those who would not

THE ANGLO-BOER CONFLICT

be under the law, for the rebel and the revolutionist, but welfare and prosperity for the men of law and order. They must not underrate their real and many difficulties. He could point to the south-western border, the Zulu, the gold fields, and other questions, and show them that it was their duty to come to an arrangement with the British Government and to do so in a bold and manly manner.

After showing President Burgers the Proclamation which he proposed to issue, and after arranging that the Boer government should be allowed to enter a formal protest against the proceedings, for the sake of appearances, Sir Theophilus Shepstone annexed the country to the British Crown on April 12, 1877.

The previous day he sent a message to Cetawayo, informing him of the approaching change and warning him against any act of violence. The Zulu king sent the following reply: "I thank my father Somtseu [Shepstone] for his message. I am glad that he has sent it, because the Dutch have tired me out; and I intended to fight them once, only once, and to drive them over the Vaal. You see my impis are gathered. It was to

EFFECTS OF ANNEXATION

fight the Dutch I called them together. Now I will send them back to their houses."

The formal protest of the Boer Executive Council was received. That it was merely formal is proved by the fact that, with the exception of Joubert, every member served under the new government. S. J. P. Kruger held office for some months, and then resigned, as he was refused an increase of salary for which he had applied. The accounts show, however, that he drew his pay as a member of the Executive Council for eight months after the annexation.

"The effect of annexation," says Mr. J. P. Fitzpatrick in his remarkable volume *The Transvaal from Within* "was to start the wells of plenty bubbling with British gold. The country's debts were paid. Secocoeni and Cetawayo would be dealt with, and the responsibility for all things was on other and broader shoulders. With the revival of trade, and the removal of responsibilities and burdens, came time to think and to talk. The wave of the magician's wand looked so very simple that the price began to seem heavy. The eaten bread was forgotten. The dangers and difficulties that were passed were of small account now that they *were* past.

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And so the men who had remained passive, and recorded formal protests when they should have resisted and taken steps to show that they were in earnest, began their repeal agitation. All the benefits which the Boers hoped from the annexation had now been reaped. Their pressing needs were relieved. Their debts had been paid, their trade and credit restored, their enemies were being dealt with. Repeal would rob them of none of these: they would, in fact, eat their cake, and still have it."

CHAPTER III.

THERE can be no doubt whatever that at the time of the annexation of the Transvaal, in 1877, the majority of the Boers were willing, and that many of them were anxious, to be taken under British rule. The only element of discord was a small band of ultra-conservatives, who, after precipitating the annexation by fostering internal strife, were now ready, their tactics having overthrown Burgers, to undertake an anti-British agitation in the interest of Kruger's candidature for the Presidency, the success of which meant the retrocession of the country from the British flag.

Nothing would have come of this movement, had it not been for the incredible folly of the British Government. At a time when it was, above all things, necessary to keep faith with the Boers, when a firm adherence to the promises contained in the proclamation of Sir Theophilus Shepstone would have strengthened the pro-British feeling and at the same time have cut the ground from under the feet of the agitators, a policy was pursued which, though free from that depth of cowardice which marked the actions of

THE ANGLO-BOER CONFLICT

the Gladstone administration in 1881, was so thoroughly ill-advised that we can only wonder that, when the revolt broke out in 1880, there were still to be found in the country a considerable number of men who adhered to the British.

The first mistake was in allowing an unnecessary delay in establishing an electoral government. This was followed by the recall of Shepstone, who was liked and respected by the Boers, on the ground that his expenditure was excessive, and the appointment of Colonel Lanyon in his place. Lanyon possessed those excellent qualities which so well befit a soldier, but which are unsuitable for administrative work; and his precise and rigorous methods made him most unpopular with the Boers. Everything worked well for Kruger and his party; for Sir Bartle Frere, the one man who, in the absence of Shepstone, might have set matters right, was recalled, and his duties in the Transvaal were handed over to Sir Garnet Wolseley.

During the agitation which led to the revolt of 1880 the pro-British Boers, becoming anxious at the preparations going on around them, sought to be reassured by the

ANNEXATION TO BE FINAL

British Government that the annexation would not be revoked. This assurance was repeatedly given in the most solemn and authoritative manner. Sir Garnet Wolseley was authorised by the British Cabinet to make the following proclamation: "I do proclaim and make known, in the name and on behalf of Her Majesty the Queen, that it is the will and determination of Her Majesty's Government that this Transvaal territory shall be and shall continue to be forever an integral portion of Her Majesty's dominions." On another occasion Sir Garnet Wolseley said, "So long as the sun shines, the Transvaal will remain British territory." This was confirmed by Sir Michael Hicks Beach, Secretary of State for the Colonies, who, on being informed that certain persons entertained "the false and dangerous idea that Her Majesty was not resolved to maintain Her sovereignty over this territory," telegraphed to Sir Garnet Wolseley, "You may fully confirm explicit statements made from time to time as to inability of Her Majesty's Government to entertain any proposal for withdrawal of Queen's sovereignty."

One important voice was raised against this view. Mr. Gladstone, speaking during

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his Midlothian campaign in March, 1880, said, "If those acquisitions [Cyprus and the Transvaal] were as valuable as they are valueless, I would repudiate them, because they were obtained by means dishonourable to the character of this country."

Less than two months after the delivery of this speech Gladstone came into power. A month later he received from Messrs. Kruger and Joubert a letter, in which they prayed that he would give effect to the sentiments he had expressed so unequivocally, by restoring the independence of the Transvaal. Mr. Gladstone replied: "It is undoubtedly a matter for much regret that it should, since the annexation, have appeared that so large a number of the population of Dutch origin in the Transvaal are opposed to the annexation of that territory; but it is impossible now to consider that question as if it were presented for the first time. Looking at all the circumstances, our judgment is that the Queen cannot be advised to relinquish her sovereignty over the Transvaal." From this letter the loyalist party in the Transvaal took heart of grace. Things were evidently on a permanent basis, when even the leading advocate for repudiation declared

BOER WAR OF 1880-81

his deliberate opinion that the Transvaal must remain British territory.

But on Dec. 13, 1880, Kruger and his associates proclaimed the South African Republic. The Boer war followed, which lasted until March, 1881. The Boers fought with great bravery, and the British forces were defeated in several small engagements. Large British re-enforcements were on the way, and the Boers would soon have been outnumbered and overmatched, when Gladstone sent out to say that, if the Boers would lay down their arms, they should be accorded complete self-government, subject to British suzerainty. What had been refused by Gladstone to petition and entreaty was to be given as the reward of rebellion.

The excellent fighting record of the Boers in the war was marred by at least one incident of the grossest treachery. The Boers captured two British officers, Captains Lambert and Elliott. They were given the choice of remaining prisoners during the war or of leaving the country at once on parole. They decided to leave the country, pledging themselves not to bear arms against the Transvaal. Commandant General Joubert gave them a pass and provided them with an

THE ANGLO-BOER CONFLICT

escort as far as the border. The escort conducted them to the junction of the Vaal and Klip Rivers, where it was impossible to cross with the horses and cart, and then disappeared. Captain Lambert then suggested that they should follow the Vaal until they came to a place where they could cross. This plan was followed for a couple of days, when the officers were stopped by a Boer patrol, who handed them a letter from the State Secretary of the Republic, expressing surprise that they had not kept their word and left the country, and directing them to follow the patrol, who would show them the nearest ford. The rest of the story I give in the words of Captain Lambert's report to General Colley: "We explained that we should reply to the letter, and request them to take it to their government, and were prepared to go with them at once. They took us back to a farm-house, where we were told to wait until they fetched their Commandant, who arrived about 6 P.M., and repeated to us the same that was contained in our letter of that day. We told him that we were ready to explain matters, and requested him to take our answer back to camp. He then ordered us to start at once

BOER WAR OF 1880-81

for the drift. I asked him, as it was then getting dark, if we could start early next morning; but he refused. So we started, he having said we should cross at Spencer's, being closest. As we left the farm-house, I pointed out to him that we were going in the wrong direction; but he said, 'Never mind: come on across a drift close at hand.' When we got opposite it, he kept straight on. I called to him, and said that this was where we were to cross. His reply was, 'Come on!' I then said to Captain Elliott, 'They intend taking us back to Pretoria,' distant some forty miles. Suddenly the escort wheeled sharp down to the river, stopped, and, pointing to the banks, said: 'There is the drift. Cross!' I drove my horses into the river, when they immediately fell. Lifted them, and drove on about five or six yards, when we fell into a hole. Got them out with difficulty, and advanced another yard, when we got stuck against a rock. The current was now so strong and drift deep, my cart was overturned, and water rushed over the seat. I called out to the Commandant on the bank that we were stuck, and to send assistance, or might we return, to which he replied, 'If you do, we

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will shoot you.' I then tried, but failed, to get the horses to move. Turning to Captain Elliott, who was sitting beside me, I said 'We must swim for it,' and asked could he swim, to which he replied, 'Yes.' I said, 'If you can't, I will stick to you; for I can.' While we were holding this conversation, a volley from the bank, ten or fifteen yards off, was fired into us, the bullets passing through the tent of my cart, one of which must have mortally wounded poor Elliott, who only uttered the single word 'Oh!' and fell headlong into the river from the carriage. I immediately sprang in after him, but was swept down the river under the current some yards. On gaining the surface of the water, I could see nothing of Elliott; but I called out his name twice, but received no answer. Immediately another volley was fired at me, making the water hiss around where the bullets struck. I now struck out for the opposite bank, which I reached with difficulty in about ten minutes; but, as it was deep black mud, on landing I stuck fast, but eventually reached the top of the bank, and ran for about two hundred yards under a heavy fire the whole time."

The natives in and around the Transvaal

POSITION OF LOYALISTS

had been eager to fight for the British, but had been prevented from doing so by the British authorities, who felt that the general interests of peace in South Africa would thus be imperilled. A large number of loyal Boers and British fought with the regular troops, placing their faith in the repeated assurances of the British Government that under no circumstances would the Transvaal be given up. The position of these loyalists after the surrender was deplorable. Their grievances were eloquently set forth by Mr. C. K. White, President of the Committee of Loyal Inhabitants of the Transvaal, who wrote to Mr. Gladstone: "I, for one, opposed the Government strenuously on one occasion, at least; but when the sword was drawn, and it came to being an enemy or loyal, we all of us came to the front and strove to do our duty, in full dependence on the pledged and, as we hoped, the inviolate word of England. And now it is very bitter for us to find that we trusted in vain; that, notwithstanding our sufferings and privations, in which our wives and children had to bear their share, we are to be dealt with as clamorous claimants, and told that we are too pronounced in our views.

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If, sir, you had seen, as I have seen, promising young citizens of Pretoria dying of wounds received for their country; if you had seen the privations and discomforts which delicate women and children bore without murmuring for upwards of three months; if you had seen strong men crying like children at the cruel and undeserved desertion of England; and if you had invested your all on the strength of the word of England, and now saw yourself beggared by the act of the country in which you trusted, you would, sir, I think, be 'pronounced.' " It is not recorded that Gladstone replied to this letter.

Nothing was gained by the surrender but national dishonour. The rebels had already been betrayed by Mr. Gladstone; and they saw, therefore, only cowardice where they were expected to see magnanimity. The loyalists, on the other hand, and with them the natives, were handed over to their enemies, with nothing to remember but the deliberate breaking of those most solemn and emphatic pledges which had been their stay and comfort during the trials of the rebellion. Either there should have been no fighting or more fighting. The idea was well expressed by Lord Cairns. Speaking in

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the House of Lords, he said: "I want to know what we have been fighting about. If this arrangement is what was intended, why did you not give it at once? Why did you spend the blood and treasure of the country like water, only to give, at the end, what you had intended to give at the beginning? We know that there are those who have lost in the Transvaal that which was dearer to them than the light of their eyes. They have been consoled with the reflection that the brave men who died died fighting for their Queen and country. Are the mourners now to be told that these men were fighting for a country which the Government had determined to abandon, and that they were fighting for a Queen who was no longer to be sovereign of that country?"

The formal instrument restoring the Transvaal to the Boers was the Pretoria Convention, signed and published on Aug. 3, 1881. The Convention consists of a Preamble and thirty-three Articles. The Preamble runs: "Her Majesty's Commissioners for the settlement of the Transvaal territory, duly appointed as such by a Commission passed under the Royal Sign Manual and Signet, bearing date the 5th of April,

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1881, do hereby undertake and guarantee on behalf of Her Majesty that, from and after the eighth day of August, 1881, complete self-government, subject to the suzerainty of Her Majesty, her heirs and successors, will be accorded to the inhabitants of the Transvaal territory, upon the following terms and conditions, and subject to the following reservations and limitations.”

In other words, upon certain terms and conditions, and subject to certain reservations and limitations, the inhabitants of the Transvaal were to receive complete self-government, not as an independent State, but as a State subject to the suzerainty of Her Majesty,—in brief, as a vassal State.

It is not necessary to deal with the Articles, for these were repealed by the Convention of 1884.

The Boers took over the country on Aug. 8, 1881, and issued a Proclamation, of which the following is a part: “To all inhabitants, without exception, we promise the protection of the law, and all the privileges attendant thereon. We repeat solemnly that our motto is, ‘Unity and reconciliation.’”

During the two years following 1881 the Boers became dissatisfied with the Pretoria

THE CONVENTION OF 1881

Convention; and finally towards the end of 1883 the British Government consented to receive a deputation from the Transvaal, in order to discuss with it the clauses of the Pretoria Convention which were claimed to be burdensome. The Deputation consisted of Messrs. S. J. P. Kruger, S. J. Du Toit, and N. J. Smit. On arrival in London the Deputation sent a long letter to the Earl of Derby, at that time Secretary of State for the Colonies, setting forth their objections to the Pretoria Convention.

The letter says: "The impracticability of the Convention has appeared chiefly in the following points: —

"(a) The Western Boundary, as defined in Article 1.

"(b) The extent of the suzerain rights reserved to Her Majesty by Articles 2 and 18.

"(c) The obligation contained in Article 3, to previously submit for the approval of Her Majesty all new regulations concerning the interests of the natives within the Republic before they can come into force; and

"(d) The financial settlement contained in Articles 10 and 11."

(Great Britain, Accounts and Papers, 1884. C. 3947, p. 3.)

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In view of the importance which the question of suzerainty assumed later, it is necessary to make absolutely clear the attitude of the Transvaal Deputation. In the letter from which I have quoted above, the Transvaal delegates, in enlarging on their objections to the extent of the suzerain rights, say: "With reference to the rights of the suzerain we wish to point out more particularly: First. The considerable inconvenience experienced by our country on account of the lengthy and complicated manner in which every communication with a foreign power, however simple it may be, has to be carried on. Second. The stipulation of the Convention, according to which our Government is not qualified by its own authority and under its own responsibility to communicate with native chiefs outside the Republic, but has to employ for that purpose the British Resident." (Great Britain, Accounts and Papers, 1884. C. 3947, p. 3.)

And, further, in suggesting the drawing up of a new Convention, . . . "the Deputation venture to lay before your Lordship, candidly, and without any circumlocution, the following proposals: . . . 2. That in this new Agreement every connection by which we are

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now bound to England should not be broken, but that the relation of a dependency, *publici juris*, in which our country now stands to the British crown, may be replaced by that of two contracting powers." (Great Britain, Accounts and Papers, 1884. C. 3947, p. 5.)

It must be noted that the Transvaal Deputation objected to the Convention of 1881 chiefly on four grounds, and that one of these was "the *extent* of the suzerain rights reserved to Her Majesty under Articles 2 and 18."

The first hint that the Deputation sought not to modify the extent of the suzerain power, but to abolish the suzerainty itself, is contained in their letter to Lord Derby of Nov. 26, 1883. This letter covered the draft of the proposed new treaty, and the first article ran: "It is agreed, that Her Britannic Majesty recognises and guarantees by this treaty the full independence of the South African Republic, with the right to manage its own affairs, according to its own laws, without any interference on the part of the British Government; it being understood that this system of non-interference is binding on both parties." (Great Britain, Accounts and Papers, 1884. C. 3947, p. 10.)

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To this Lord Derby replied on Nov. 29, 1883, "The draft Treaty which you have submitted is neither in form nor in substance such as Her Majesty's Government could adopt." . . . (Great Britain, Accounts and Papers, 1884. C. 3947, p. 18.)

Then followed long discussions occupying about two months on the question of boundaries; and we do not find the suzerainty referred to again until Feb. 5, 1884. On that date the Deputation wrote to Lord Derby: "We look forward with interest to the draft of the first article of the new Convention, with the map to be annexed, which will be drawn up by your Lordship's directions. In connection herewith, we would respectfully submit to your Lordship's consideration whether it would not be possible to have the other articles of the New Convention, namely, those referring to the abolition of the suzerainty and to the reduction to its legal proportions of the debt of the Republic, simultaneously drawn up and communicated to us, in order to accelerate the complete settlement of the matter." (Great Britain, Accounts and Papers, 1884. C. 3947, p. 40.)

In the above we have the distinct request

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that the suzerainty should be abolished by an article in the new Convention. This request was not acceded to, for not only does no article abolishing the suzerainty appear in the London Convention of 1884, but the new Convention states distinctly in its preamble that it is the articles of the old Convention that are changed; and, further, the Convention of 1881 is not repealed in terms as a whole, but merely the articles. In order to make this perfectly clear, I give the Preamble to the Convention of 1884, omitting only such parts as are descriptive of the delegates on either side:—

“Whereas the Government of the Transvaal State . . . have represented that the Convention signed at Pretoria on the third day of August, 1881, . . . contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved, and that the south-western boundaries fixed by the said Convention should be amended, with a view to promote the peace and good order of the said State, and of the countries adjacent thereto; and whereas Her Majesty . . . has been pleased to take the said representations into consideration: Now, therefore, Her

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Majesty has been pleased to direct, and it is hereby declared, that the following articles of a new Convention . . . shall, when ratified by the Volksraad of the South African Republic, be substituted for the articles embodied in the Convention of the 3d of August, 1881; which latter, pending such ratification, shall continue in full force and effect." (Great Britain, Accounts and Papers, 1884. C. 3914, p. 3.)

It is to be noted that the word "articles" is used as indicating what portion of the old Convention was to be superseded; and we may arrive at a truer appreciation of the exact position if, seeing that the references in the Preamble are to "articles of a new Convention" and not to "a Convention," we read the last paragraph of the Preamble thus: "which latter articles" (those contained in the Convention of 1881), "pending such ratification, shall continue in full force and effect."

The Convention was accepted by the Transvaal delegates, notwithstanding that their request for the abolition of the suzerainty had been refused; and it was signed on Feb. 27, 1884.

The Transvaal delegates went home, and

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told the Boers that the suzerainty was abolished; and we hear nothing of the matter again for thirteen years, when it crops up in an unexpected quarter.

Article 14 of the London Convention provided that "all persons other than natives, conforming themselves to the laws of the South African Republic, will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic." In 1896 the Volksraad passed a law, generally referred to as the Aliens Expulsion Law, by the terms of which the President, acting with the consent of the Executive Council, could expel any stranger "dangerous to public peace and order" from the territory of the Republic, or assign such a person a definite place of residence within the Republic. The stranger so dealt with was to have no recourse to the courts of justice against such order. Concerning this law the High Commissioner wrote to the President and Executive Council of the South African Republic: "Her Majesty's Government, in view of Article 14 of the London Convention of 1884, cannot admit the right of the South African Republic to expel or restrict foreigners who are not

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shown to have failed to conform to the laws of the Republic." . . . (Great Britain, Accounts and Papers, 1899. C. 9345, p. 61.)

A long argument followed, in which the South African Republic upheld their right in the matter on the general grounds of international law, ignoring the fact that the British claim in the case rested not on general principles, but on a specific contract embodied in the Convention of 1884. To these arguments Mr. Chamberlain replied:—

“The arguments adduced in the Note of the Acting State Secretary, based on the general principles of international law as applied to ordinary treaties between independent Powers, and on the actual or proposed legislation of other nations (including the United Kingdom), do not, in the view of Her Majesty’s Government, apply to the case under consideration, which is not that of a treaty between two States on an equal footing, but a declaration by the Queen of Great Britain and Ireland of the conditions upon which she accorded complete self-government to the South African Republic subject to her suzerainty, these conditions having been accepted by the delegates of the South African Republic and subsequently ratified by the

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Volksraad." (Great Britain, Accounts and Papers, 1898. C. 8721, p. 19.)

Out of the above statement arose a long controversy as to the existence of the suzerainty, the South African Republic asserting that the suzerainty was abolished entirely by the Convention of 1884, and the British Government maintaining that the suzerainty still existed. As this question of suzerainty was the rock on which the negotiations of 1899 went to pieces, I give here the exact claims set forth by each Government, together with the arguments advanced in support of either view. The claims and arguments of the South African Republic are printed in ordinary type : those of Great Britain are printed in italics. The statements are taken from the British Parliamentary Papers, C. 9507 of 1899, "Correspondence relating to the Status of the South African Republic." In this document the despatches dealing with the question are reproduced *verbatim* from the originals :—

CLAIM OF SOUTH AFRICAN REPUBLIC.—
Inasmuch as the Convention of 1881 was entirely abrogated and superseded by that of 1884, in which alone certain limited and



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specified rights were guaranteed to Great Britain without there being further mention of any self-government of this Republic, it follows of itself that the now existing right of absolute self-government of this Republic is not derived from either the Convention of 1881 or that of 1884, but simply and solely follows from the inherent right of this Republic as a sovereign international State.

CLAIM OF GREAT BRITAIN.—*The contention that the South African Republic is a sovereign international State is not warranted either by law or history, and is wholly inadmissible. Her Majesty's Government are unable to admit either that the suzerainty has ceased to exist or that the preamble to the Convention of 1881, in which was laid down the basis of the future mutual relations of Her Majesty and the inhabitants of the South African Republic, was repealed by the Convention of 1884.*

THE ARGUMENTS.

SOUTH AFRICAN REPUBLIC.—One of the objects of the Transvaal in seeking a revision of the Convention of 1881 was the removal of the suzerainty; and this object was of great, if not supreme importance.

GREAT BRITAIN.—*As a matter of fact, the*

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Transvaal wrote to Lord Derby that what they objected to about the suzerainty was the "EXTENT of the suzerain rights reserved to Her Majesty by articles 2 and 18 of the Convention." Further, the Transvaal Government stated in their request for the revision of the Convention of 1881 that "revision was urgent, especially regarding western border affairs."

SOUTH AFRICAN REPUBLIC.—In the Convention of Pretoria the term "suzerainty" appears. In the Convention of London the term has disappeared. This disappearance cannot be accidental. The omission was deliberate: one of the parties had objected to it as an obnoxious stipulation, and it was excluded in the new Convention. If the British Government had wished to retain the suzerainty in the Convention of 1884, it would have been necessary for the British Government to have come to a clear and distinct understanding on that subject.

GREAT BRITAIN.—*It is admitted that the word "suzerainty" does not occur in the Convention of 1884; but that fact does not imply that the suzerainty was abolished, for (a) The suzerainty rests primarily on the preamble to the Convention of 1881, which was never repealed, as were the articles of that Convention; (b) If it is claimed that the omission of the*

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word "suzerainty" involves the destruction of the suzerainty, then, by parity of reasoning, the omission of any grant of self-government to the South African Republic in the Convention of 1884 would involve the destruction of the rights of the South African Republic to self-government. Relative to the latter part of the argument put forward by the South African Republic, namely, that if the suzerainty was to be abolished Her Majesty's Government should have come to a clear understanding on the subject, it is evident that if the status quo was to be altered in the new Convention it lay with the party desiring the change to arrive at a distinct understanding to that effect—the presumption of law would be that, in the absence of any specific statement as to a new relation between the parties, the status quo remained unaltered. That this was the view held by the delegates who represented the Transvaal in the negotiations is placed beyond doubt by the fact that they wrote to Lord Derby asking that an article abolishing the suzerainty should be introduced into the new Convention. This request was refused, and no such article appears in the new Convention. This fact clearly shows that whilst Her Majesty's Government agreed with the Transvaal delegates that if the suzerainty was to be abolished it would have to be done by means of an article in the Convention, they did not agree with them that such an article should

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be included in the Convention — a clear declaration that the suzerainty was not to be abolished.

SOUTH AFRICAN REPUBLIC.—The rights of suzerainty under the Convention of 1881 can be classified as follows: 1. The incompetency of the South African Republic to take direct action in negotiations with foreign powers. 2. The control by the British Resident of external and certain internal affairs. 3. The right of conducting British troops through the territory of the South African Republic. As these rights have been reduced to the obligation of submitting all treaties made with foreign Powers to Her Majesty for approval, the suzerainty is clearly abolished.

GREAT BRITAIN.—*We admit your facts but not your conclusion. You objected to the extent of the suzerain rights under articles 2 and 18 of the Convention of 1881, and we have reduced the extent of those rights. But we have retained the most important right of all, that of deciding whether any treaty concluded by the South African Republic with a foreign Power shall or shall not come into force.*

SOUTH AFRICAN REPUBLIC.—In submitting to the Transvaal delegates a draft of the new Convention, Lord Derby enclosed a copy of the Convention of 1881. At the

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head of this is a note which says, "The words and paragraphs bracketed or printed in italics are proposed to be inserted, those within a black line are proposed to be omitted." Now the preamble of 1881 is within a black line, and is thus omitted. No conclusion can be clearer. Still further, on the last page of the draft, the following words, "subject to the suzerainty of Her Majesty, her Heirs and Successors," have been crossed out by Lord Derby. In this manner Lord Derby showed most distinctly that he meant to have the suzerainty abolished.

GREAT BRITAIN.— *We admit that the words and paragraphs referred to are omitted from the Convention of 1881; but the reason is obvious. As merely the articles of the Convention of 1881 were repealed there was no necessity that the Preamble of 1881, which laid down the mutual relations of Her Majesty's Government and the South African Republic, should be included in the new Convention, which was merely one substituting certain articles for certain other articles. In stating that the words "subject to the suzerainty of Her Majesty etc." were crossed out by Lord Derby, the South African Republic have failed to add that the words "under which self-government has been granted to the inhabitants of the Transvaal Territory"*

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are also crossed out. Any consequences which are claimed from the crossing out of the former expression must necessarily follow the crossing out of the latter. If the crossing out of "suzerainty" abolishes the suzerainty, the crossing out of "self-government" abolishes the self-government. We do not admit the argument in either case, as we hold that the grant of self-government and the reservation of suzerainty alike have their sole constitutional origin in the preamble to the Convention of 1881. As the South African Republic states that Lord Derby showed distinctly that he meant to have the suzerainty abolished we must refer it to the statement made by Lord Derby in the House of Lords in March, 1884, less than one month after the signing of the Convention. He said, "Then the noble Earl [Earl Cadogan] said that the object of the Convention had been to abolish the suzerainty of the British Crown. The word 'suzerainty' is a very vague word, and I do not think it is capable of any very precise definition. Whatever we may understand by it, I think it is not very easy to define. But I apprehend, whether you call it a protectorate, or a suzerainty, or the recognition of England as a paramount Power, the fact is that a certain controlling power is retained when the State which exercises this suzerainty has a right to veto any negotiations into which the dependent State may enter with foreign Powers. Whatever suzerainty meant in the Convention

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of Pretoria, the condition of things which it implied still remains; although the word is not actually employed, we have kept the substance. We have abstained from using the word because it was not capable of legal definition, and because it seemed to be a word which was likely to lead to misconception and misunderstanding." Here is distinct declaration by Lord Derby that the word was left out because it was an unsatisfactory word and not because, as the South African Republic alleges, it was intended to abolish the suzerainty.

SOUTH AFRICAN REPUBLIC.—Lord Derby further clearly indicated his opinion that the suzerainty was abolished in a despatch dated Feb. 15, 1884. He said, "By the omission of those articles of the Convention of Pretoria which assigned to Her Majesty and to the British Resident certain specific powers and functions connected with the internal government and the foreign relations of the Transvaal State, your Government will be left free to govern the country without interference and to conduct its diplomatic intercourse and shape its foreign policy, subject only to the requirement embodied in the fourth article of the new draft, that any treaty with a foreign State shall not have effect without the approval of the Queen."

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GREAT BRITAIN.—*Taking Lord Derby's words exactly as you quote them, it is evident that Her Majesty has the power to prevent the South African Republic from concluding any treaty with a foreign Power, if such a course should in any instance seem advisable. This control exercised by the Queen could not exist in regard to a sovereign international State, and, in so far as this control does exist, it must be evident that the South African Republic is not, as it claims to be, a sovereign international State. It is in this power of control that the British suzerainty consists. It is not claimed that Great Britain has any control over the internal affairs of the Republic in virtue of the suzerainty.*

SOUTH AFRICAN REPUBLIC.—The Earl of Kimberley, in an official despatch to the South African Republic, said, "The term suzerainty has been chosen as most conveniently describing superiority over a State possessing independent rights of government subject to reservations with reference to certain specified matters." Consequently, it follows that, if suzerainty had continued to exist under the Convention of 1884, the only rights which could have been claimed by the British Government would have been such as were "expressly reserved to the suzerain Power with reference to certain

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specified matters.” Her Britannic Majesty’s Government would not have been justified, as a result of the vagueness and indefinite nature of the word “suzerainty,” in claiming for themselves certain vague and indefinite rights.

GREAT BRITAIN.— *We agree with you entirely in accepting Lord Kimberley’s definition of suzerainty. His words appear to Her Majesty’s Government to accurately describe the existing relations between Her Majesty and the South African Republic. We claim no vague and indefinite rights under the suzerainty, we assert merely that as Her Majesty retains in the Convention of 1884 certain rights “expressly reserved to her with reference to certain specified matters” it is clear that the “superiority over a State possessing independent rights of government subject to reservations” is vested in Her Majesty, and that therefore the claim of the South African Republic to be a sovereign international State is unjustifiable.*

The above do not, of course, represent all the arguments advanced by the South African Republic; but they are the principal ones, and present the case of the Republic in the strongest manner possible. With the arguments before him the reader must judge for himself whether the British suzerainty

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over the South African Republic exists or whether, as the Republic maintains, the suzerainty has been entirely abolished, leaving the Republic a sovereign international State.

CHAPTER IV.

FROM the signing of the London Convention in 1884 there has gradually accumulated that mass of grievances of British subjects in the South African Republic which finally, in 1899, came under the official notice of the British Government. The grievances may be divided into six classes: (1) Economic Grievances; (2) Grievances in connection with the Legislative Acts and the Judicial Procedure of the Republic; (3) Grievances in regard to Municipal Privileges and Education; (4) Ill-treatment of Colored British Subjects; (5) Outrages on Persons and Property; (6) Political Grievances.

The economic grievances may be best set forth in the terms employed by the Government Industrial Commission of the South African Republic. This Commission was appointed by the Volksraad in 1897 to inquire into the general economic condition of the country. It consisted of six members, all of whom were Dutch burghers; and it may be safely assumed that, considering its composition, the Commission would have no tendency to overstate the grievances of the Uitlanders. The Report of the Com-

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mission was presented to the Volksraad on Aug. 6, 1897. A verbatim translation may be found in the British Parliamentary Papers for 1899, C. 9345, pp. 2-13.

The Report states that after minute and careful investigation the Commission ascertained that during 1896 there were 183 gold mines within the State; that of these 79 produced gold; that only 25 companies declared dividends; and that the cause of so many mines not paying dividends was primarily the high cost of production. The Report continues: " . . . under existing conditions, 100 mines will have to close down. In that case an annual amount of £12,000,000 will be taken out of circulation, with a result too disastrous to contemplate. To avoid such a calamity, your Commission are of opinion that it is the duty of the Government to co-operate with the mining industry, and to devise means with a view to make it possible for lower grade mines to work at a profit, and generally to lighten the burdens of the mining industry, . . . the more so when the fact is taken into consideration that up till now the mining industry must be held as the financial basis, support, and mainstay of the State.

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“Judging from recent events, and by the persistent manner in which the mines have reduced, and are further trying to reduce, the expenses, it leaves no doubt with your Commission that the mines, after so far having taken the initiative, will act responsively to any economical measure the Government may think proper to introduce. Your Commission entirely disapprove of the concessions through which the industrial prosperity of the country is hampered. Such might have been expedient in the past, but the country has arrived at a stage of development that will only admit of free competition according to Republican principles. This applies more especially to the gold industry, that has to face its own economical problems, without being further burdened with concessions that are irksome and injurious to the industry, and will always remain a source of irritation and dissatisfaction.”

In regard to import duties the Commission say: “We can only recommend that, if possible, food-stuffs ought to be entirely free from taxation, as at the present moment it is impossible to supply the population of the Republic from the products of local agriculture; and, consequently, importation is

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absolutely necessary. . . . We wish to state that the import duty of 12s. 6d. per cask on cement seems excessively high. The high freight on an article so heavy as cement already raises the price here to such an amount that it ought to be very easy for any local industry to be able to compete. Your Commission consequently recommend that the special duty on cement be removed as speedily as possible."

A very serious grievance of the gold industry is that, owing to the lax administration of the liquor law, the native labourers in the mines are kept constantly supplied with intoxicants, with the effect that about one-third of the labourers are always incapacitated from work, owing to intoxication. Referring to this, the Commission say, "It has been proved to your Commission that the Liquor Law is not carried out properly, and that the mining industry has real grievances in connection therewith, owing to the illicit sale of strong drink to the natives at the mines."

In regard to gold thefts, which constitute a very heavy drain on the industry, the Report states: "According to the evidence submitted to your Commission, gold thefts are on the increase, . . . and amount to

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about 10 per cent. of the output, equivalent to an amount of £750,000 per annum. It follows that the administration of the law must be faulty, because there are very few instances where the crime has been detected and punished."

The Commission deals with two special monopolies,—the brick monopoly and the dynamite monopoly. As to the former the Report says: "It has been clearly proved to your Commission that the existing concession for the making of bricks by machinery is a great disadvantage. The price of bricks is thereby unduly increased. Your Commission consequently recommend that steps be taken as speedily as possible to relieve the population of the Republic of this undesirable monopoly." The dynamite monopoly is dealt with at some length, and I therefore extract only the following sentences from the Report: "Before entering on this subject, we wish to put on record our disappointment with the evidence tendered on behalf of the South African Explosives Company [the company holding the monopoly]. We had expected, and we think not unreasonably, that they would be able to give reliable information for our guidance respecting the cost of im-

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portation, as well as of local manufacture of the principal explosives used for mining purposes ; but, though persistently questioned on these points, few facts were elicited, and, we regret to say, they entirely failed to satisfy us in this important respect.

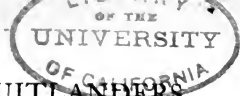
“The importation of a cheap supply of all necessities required for mining purposes, in order to secure success, is perhaps too obvious to need repeating; but we may mention that the one item most frequently referred to by witnesses in this connection was the cost of the explosives. It has, we consider, been clearly proved that the price paid by the mines for explosives of all kinds is unreasonably high, having due regard to original cost and expenses of delivery in the South African Republic, and, in our opinion, a considerable reduction should be brought about. In making recommendations with this object in view, it must be stated at the outset that the main difficulty in dealing with the question arises from the existence of the contract by means of which the monopolists are able to maintain the present high price in spite of the fact that the manufactured article is mostly obtained by them in Europe at a very much

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lower cost. Consequently, the advantages which the Government intended to confer on the country by establishing a new industry here have not been realised, whilst the monopoly has proved a serious burden on the mining industry.

“The mining industry has thus to bear a burden which does not enrich the State or bring any benefit in return; and this fact must always prove a source of irritation and annoyance to those who, while willing to contribute to just taxation for the general good, cannot acquiesce in an impost of the nature complained of.”

It was hoped by the mining community that the Volksraad would take some favourable action on the Report of its own Commission; but the Sub-Commission of the Volksraad, which was appointed to consider the Report, made recommendations to the Volksraad which had the practical effect of discounting the greater part of the work of the Industrial Commission. The concessions complained of in the Report were upheld, the reduction of import duty on cement and the cancellation of the brick-making concession were refused, the cancellation of the dynamite monopoly was refused, and, whilst



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the customs duties were taken off certain food-stuffs, the duties on other food-stuffs were largely increased.

I pass now to the grievances connected with legislation and the administration of justice. A number of laws in the South African Republic contain provisions which inflict great injustice on the Uitlander population, but I select three as typical. They are the Judges Law of 1897, the Pass Law of 1895, and the Aliens Expulsion Law of 1896. The Judges Law was passed with a view to making the Courts of Justice subservient to the executive authority. The necessity of this law, from the standpoint of the Transvaal Government, lay in the fact that, when the Government, in its anxiety to escape responsibilities laid on it by judgments of the Courts, passed hasty resolutions having retroactive scope, the Courts refused to recognise the resolutions, on the ground that they were in conflict with the Constitution.

In order to give an idea of the effect of these Volksraad resolutions, I quote the following instance from *Oom Paul's People*, the author of which, Mr. Howard C. Hillegas, is a strong Boer sympathiser: "A

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man named Dums, whose big farm on the border became British territory through a treaty, sued the Transvaal Government for damages. Whereupon the Raad passed a law that Dums could never sue the Government for anything. Another man sued the Government for damages for injuries resulting from a fall in the street. He was successful in his suit; but the Raad immediately thereafter passed a law making it impossible for any person to sue the Government for injuries received on public property."

The most flagrant case of this kind was the action of the Government in regard to the proclamation of the farm Witfontein as a gold-field. The Government issued a proclamation to the effect that on a certain day and at a certain hour Witfontein would be thrown open for pegging claims. There was a rush to the place; and the Government, instead of sending a force of police to preserve order, issued an illegal notice withdrawing the proclamation, and declaring that the claims would be given out by lottery. Many prospectors had already laid out their claims, and these men informed the Government that they intended to sue for their rights in the Courts. Immediately the Raad

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passed a law to the effect that any claim for damages would be illegal, and that the Government was absolved from all responsibility in regard to their action in the circumstances. It was in connection with this episode that the High Court crisis of 1897 arose. One of the men who had pegged claims was an American named Brown. He sued the Government for his rights under the proclamation. But, whilst the case was pending, the Volksraad passed the law stating that no claims could lie against the Government in this matter. The Chief Justice of the Transvaal decided that this law was in conflict with the Constitution, and gave judgment in favour of Brown. President Kruger immediately introduced a new law empowering him to demand from all the judges an assurance that they would not ever again question the constitutionality of any resolution passed by the Volksraad, and giving the President the authority to dismiss from the bench any judge who declined to give such assurances. The judges thereupon closed the Courts, declaring that it was impossible to administer justice under such coercion. One of the judges, Mr. Gregorowski, stated that no

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honourable man could possibly sit on the bench of the High Court as long as Law 1 of 1897 was in force. President Kruger then agreed to a compromise: if the judges would refrain for a while from exercising their right of declaring a law unconstitutional, the President would introduce, as speedily as possible, a law guaranteeing the independence of the Courts. This was accepted by the judges. But, as time passed and no such law was introduced by the President, the Chief Justice wrote and withdrew his pledge. President Kruger immediately dismissed the Chief Justice and one of the other judges, and appointed Mr. Gregorowski as Chief Justice. The law under which Mr. Gregorowski had stated it to be impossible for an honourable man to sit on the bench was still in force when that gentleman accepted the Chief-Justiceship.

In connection with the High Court crisis it must be noted that the President has frequently treated the decisions of the Court with contempt. Two instances are given by Mr. Fitzpatrick in his *The Transvaal from Within*. An educated East Indian, named Rachman, a British subject, in following a strayed horse, trespassed on the

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farm of one of the members of the Volksraad. He was arrested and charged with intent to steal, tried by the brother of the owner of the farm, and sentenced to receive twenty-five lashes and to pay a fine, the same sentence being inflicted on his Hottentot servant, who was with him. Rachman protested, and entered an appeal, in which he stated the Fieldcornet had exceeded his powers in giving lashes, and offering security of £40 pending the hearing of the appeal. His protests were disregarded, and he was flogged. He appealed to the Circuit Court, and obtained a judgment with heavy damages against the Fieldcornet. President Kruger shortly afterwards refunded the amount of the damages to the Fieldcornet, on the ground that, as he had acted in his official capacity, he should be protected. Another case was that of a native, named April, who worked with a Boer farmer for some years on the promise that he should receive as payment a certain number of cattle. When the term of service was out, April applied for his cattle and a permit to leave the farm. The farmer, however, refused to let him go, and forcibly retained him and his family. April appealed to the nearest Fieldcornet, a

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man named Prinsloo, who acted in such an outrageous manner that, when the case subsequently came up for trial before the Chief Justice that official said that Prinsloo's conduct had been brutal in the extreme and a flagrant breach of power, perpetrated with the object of establishing slavery. April obtained judgment with all costs against Prinsloo. "Within a few days of this decision being arrived at," says Mr. Fitzpatrick, "the President, addressing a meeting of burghers, publicly announced that the Government had reimbursed Prinsloo, adding, 'Notwithstanding the judgment of the High Court, we consider Prinsloo to have been right.'"

An excellent example of the difficulties under which the gold industry has to labour is the Pass Law. This law was drawn up by General Joubert, with the assistance and advice of the Chamber of Mines, in 1894. It may be mentioned that one of the chief objects of the law was to facilitate the handling of the large numbers of natives who come to work in the mines. By means of the pass issued to each labourer it was possible to keep track of the men, and thus to reduce the number of undetected crimes committed at the mines. After the law had

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been drafted, it was allowed to stand over for nearly two years; and, when at length it was passed by the Raad, the Government neglected to create the department for the carrying out of the law. But, although no department was created, and although the law was thus inoperative, a chief of the imaginary department was appointed, at a handsome salary. The man who was appointed to the post was a brother of one of the members of the Executive Council, and he had been dismissed from an office two years previously for failure to clear himself of serious charges which had been brought against him.

The Aliens Expulsion Law I have referred to in an earlier chapter, in connection with the question of suzerainty. As this law provided that any person, not a burgher, could be expelled from the country or forced to live in a specified location, on the mere authority of the President and the Executive Council, without any charge being made that the person so expelled had broken any law of the Republic, and as such person was to have no right of appeal to the Courts against such an arbitrary decision, the law was clearly a breach of the London Convention,

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the Fourteenth Article of which says, "All persons, other than natives, conforming themselves to the laws of the Republic, will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic." It will be seen at once that the only condition under which this full right of residence was conferred was that the person claiming the right must conform to the laws of the Republic.

The municipal grievances of the Uitlanders centre around the failure of President Kruger to keep his promise of conferring municipal government on Johannesburg. Concerning this the great petition signed by 21,684 British subjects, which was presented to Her Majesty in March, 1899, says: "The promises made by the President with regard to conferring municipal government on Johannesburg were, to outward appearance, kept; but it is an ineffective measure, conferring small benefit upon the community and investing the inhabitants with but little additional power of legislating for their own municipal affairs. Of the two members to be elected for each ward, one, at least, must be a burgher. Besides this, the burgomaster is appointed by the Govern-

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ment, not elected by the people. The burgomaster has a casting vote, and, considering himself a representative of the Government, and not of the people, has not hesitated to oppose his will to the unanimous vote of the Councillors. The Government also possesses the right to veto any resolution of the Council. As the burghers resident in Johannesburg were estimated at the last census at 1,039 in number as against 23,503 Uitlanders, and as they belong to the poorest and most ignorant class, it is manifest that these burghers have an undue share in the representation of the town, and are invested with a power which neutralises the efforts of the larger and more intelligent portion of the community. Every burgher resident is qualified to vote, irrespective of being a ratepayer or property owner within the municipal area."

The educational grievances of the Uitlanders may be briefly summed up thus: Taking the year 1895 as an example, we find that the amount spent on education by the South African Republic was £63,000. Of this sum at least £50,000 was contributed by the Uitlanders. Of the total sum £62,350 was spent on the education of

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7,508 Boer children and £650 on 7,090 Uitlander children. In other words and in round figures, \$40 was spent on each Boer child and only 45 cents on each Uitlander child.

Notwithstanding the fact that a large number of the Boers themselves are anxious to have their children instructed in English, the Government insists that Dutch be taught for one hour a day in the first year, two hours a day during the second year, three hours a day during the third year, and that in the fourth year Dutch shall become the sole medium of instruction. In order to avoid irritating and prolonged discussion with the Government in regard to education, the people of Johannesburg offered to raise a fund of \$2,000,000 for the purpose of establishing schools for the Uitlander population. The Government, however, looked with disfavour on the scheme, and placed many obstacles in the way, with the result that, although something has been done, every step has to be carried out in the face of the hostility of the authorities.

The complaints filed by British subjects at the office of Her Majesty's agent at Pretoria, describing outrages on their persons and prop-

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erty, are too numerous to permit of extended examination. I select one or two as being typical of the rest. The facts are such as are set forth in the affidavits accompanying each complaint.

A widow named Caroline Lingveldt complained that on the night of Oct. 29, 1899, Fieldcornet Lombaard and a number of other men knocked at the door of her house, and threatened to kick it open if she did not at once admit them. The men were in search of the woman's son, who, it was alleged, had no pass. What occurred after the house had been entered I give in the words of the deponent: "Another man, long and stout, whose name I do not know, came then into the house, and pulled the blanket off the bed on which my daughter Caroline, aged sixteen, was lying, and did the same to the bed in which were Mabel Blommenstein and my little nephew. The night was cool. After having looked under the bed and behind a screen, the man went out. My boy was taken to prison because he had no pass. Since then I have bailed him out for £3, which was returned to me on his acquittal. Mabel Blommenstein was nine years old, and I boarded and lodged her. This little girl

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Mabel became suddenly ill later in the night, having been frightened at the noise and excitement. . . . She had to go to the hospital, and has since died there. I annex a certificate of Dr. Croghan as to the cause of her death." The certificate states: "On Sunday morning, October 30 last, I was called to attend Mabel van Blommenstein. She was suffering from an attack of acute pneumonia, and was in a very excited and nervous condition. This condition is not usually associated with pneumonia, but was, in my opinion, produced by fright and shock. She died in the Johannesburg Hospital on Tuesday, the 15th November; and I have no hesitation in stating that her illness was aggravated by exposure to night air and excitement, previous to my attendance. EDW. H. CROGHAN, M.D."

Another typical case is that of James Harris, a cab-driver, a British subject born in Cape Town. He stated on oath: "On Monday last I went to the Pass Office to get a pass. The official in charge told me that the place was too full, and that I must come the next day. Accordingly, yesterday afternoon about three o'clock I went again. The official asked me for my pass, to which

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I replied that I had not one. I told him that I had only been here a fortnight, and showed him my cab license. Thereupon I was arrested and taken to the Charge Office for about an hour, and then I was taken round to the Bree Street Charge Office. Then I was released on bail, which I found myself. This morning I appeared before the third Landdrost, and was fined £2 or fourteen days. The fine I paid. I was not asked whether I pleaded guilty or not guilty, nor were the merits of my case gone into in any way."

The two facts which stand out most prominently in the above cases, and in the large number of similar cases, are that the police of Johannesburg make a habit of forcibly entering the houses of peaceable British residents, without warrant, and that British subjects are continually punished by the Boer magistrates without any form of trial being gone through and without an opportunity of defence being afforded them.

But the most serious instances of outrages on British subjects were the murders of Mrs. Appelbe and of Tom Jackson Edgar. Little need be added in regard to the former to the statement made by the secretary of the

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Wesleyan Missionary Society in the following letter:—

WESLEYAN MISSION HOUSE,
BISHOPGATE STREET WITHIN, LONDON,
May 8, 1899.

TO THE SECRETARY OF STATE FOR THE
COLONIES:

Sir,—On behalf of the Wesleyan Missionary Society I beg to bring under your notice the following most distressing occurrence. On Friday, April 28, Mrs. Appelbe, the wife of the Rev. R. F. Appelbe, Wesleyan missionary, residing at Fordsburg, Johannesburg, in the South African Republic, was going to church, when she was set upon by some miscreants, European or native is not yet clearly known, but probably native, and so brutally treated that she died from her injuries on the Tuesday following. Mrs. Appelbe was the daughter of John Holder, Esq., J. P., of Folkestone; and her terrible death has not only caused sorrow and misery to her husband and friends, but has also caused alarm and indignation throughout our church in the Transvaal and in this country. A correspondent, recently returned from Johannesburg, and who has lived there for some time, declares that the Boer policemen

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and officials are useless for the purposes of detection and punishment of crime. Under these circumstances, and for the protection of our missionaries and their families, I have the honour to request, respectfully and earnestly, that instructions may be given to the representative of Great Britain in the South African Republic to make rigorous and searching inquiry into this terrible and most painful case. I have, etc.,

WILLIAM PERKINS,
Secretary Wesleyan Missionary Society.

The murder of Mrs. Appelbe in daylight, and on a public highway, shows the insecurity of life in Johannesburg, notwithstanding the enormous revenue collected from the Johannesburg people. And the fact that no arrests have been made in connection with the murder casts some light on the efficiency of the Boer police.

The facts in the Edgar case are, however, still more deplorable. According to the evidence submitted at the trial of the murderer, Edgar was walking home one evening, and, when nearing his house, he met two men, with one of whom he had a quarrel. He knocked the man down with his fist, and

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then continued on his way home. The man was not seriously injured. After Edgar had been in his house for a few minutes, a policeman, named Barend Stephanus Jones, assisted by others, broke open the door of Edgar's house; and, as soon as Edgar came forward, Jones drew a revolver, and shot him dead, his body falling into the arms of his wife, who was beside him.

Jones then ran away, but was subsequently arrested on a charge of murder. He was immediately released on giving bail for £200, the same amount as had been exacted a few days previously from an Uitlander charged with common assault. The charge of murder was subsequently reduced to that of culpable homicide. On this charge Jones was acquitted, the judge who summed up the case informing the jury that the only point to be considered was whether the police were acting in the execution of their duty when they broke open the door of Edgar's house. If the jury thought that they were, he said, they would of course bring in a verdict of not guilty. The case was closed by the judge informing the accused that he agreed with the verdict of the jury, and that he hoped the police, under difficult

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circumstances, would always know how to do their duty.

The murder of Edgar caused great excitement throughout the Republic, and led, incidentally, to the outrage known as the "Amphitheatre Case." Shortly after the murder occurred, a petition was got up, setting forth the facts and appealing to Her Majesty for protection. This petition was signed by about five thousand British subjects. It was decided that the signatories of the petition should go in a mass to the office of the British vice-consul at Johannesburg, and present the document to him. The crowd collected in the streets; and an Englishman, named Webb, who was in a carriage, called to the people to go to the vice-consul's office. When they arrived there, another Englishman, a Mr. Dodd, read the petition aloud from the balcony of the vice-consulate. The petition, for certain reasons, into which it is not necessary to enter, was not forwarded to Her Majesty.

Soon after the petition had been presented to the vice-consul, Messrs. Webb and Dodd were arrested for having organised an illegal meeting, the Government holding that the calling out of directions to go to the vice-

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consul's and the reading of the petition constituted breaches of the Public Meetings Law. The men were released on bail of £1,000 each, a sum five times as great as that required from the murderer of Edgar.

This arbitrary act served to still further inflame the Johannesburg people, and it was decided to hold a public meeting of protest in the Amphitheatre. The Public Meetings Law permits the holding of meetings in enclosed buildings, whilst forbidding open-air gatherings. In order to avoid any misunderstanding, one of the organisers of the meeting went to the State Secretary and to the State Attorney of the Republic, and, after explaining clearly that the objects of the proposed meeting were to protest against the arrest of Messrs. Dodd and Webb, to condemn the Public Meetings Act, and to indorse a petition to Her Majesty, he was told that, although the objects of the meeting were distasteful to the Government, there was no legal objection to the meeting, and that therefore it would not be prohibited.

The following description of the meeting is taken from a letter addressed to Mr. Conygham Greene, Her Britannic Majesty's agent at Pretoria, by Mr. W. Wybergh,

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President of the South African League. Mr. Wybergh's account of the affair is substantiated by twenty-six sworn statements. These affidavits may be found *in extenso* in British Blue Book C. 9345 of 1899, pp. 160-175.

"As a proof of the peaceful objects of the meeting and of our intention to avoid anything in the nature of rioting, I may here mention that ladies were invited to attend, and that a considerable number actually did so. The British subjects who attended were, also, entirely unarmed. Further, it had originally been intended to hold the meeting at 8 P.M.; but, although this would have insured a much larger attendance of our supporters, we altered the hour to 4 P.M., with the express object of avoiding the presence of any noisy or otherwise undesirable element, and of being able to recognise clearly any disturber of the meeting. Of this proceeding, and of some of the reasons for it, I informed the State Attorney at our interview. I will now describe shortly what occurred at the meeting.

"The meeting took place in a large wood and iron building known as the Amphitheatre, generally used for circuses and sim-

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ilar public entertainments. Before the advertised time of the meeting the side doors were forced by a large body of Boers, police in plain clothes and Government officials, numbering several hundreds. These people were all armed, some with sticks, iron bars, and police bâtons, and some with revolvers. The main body took up a position immediately below the platform. Other smaller but organised bodies of Boers distributed themselves throughout the building, and the remainder of the space was filled with quiet and orderly British subjects. As soon as the Committee appeared on the platform and the chairman began to address the meeting, the Boers and police, under the leadership of Mr. Broeksma, the third Public Prosecutor, and other well-known men, began to make an uproar. It was clearly evident that the mob was acting under the orders of recognised leaders, who gave them orders by preconcerted signals. While the chairman was speaking, a determined attempt was made to storm the box reserved for the ladies; but this was fortunately frustrated. The brutal and outrageous object of this attempt, as well as its organised character, will fully appear from the accompanying affidavits.

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“On account of the uproar the chairman was compelled to cut short his address; and at a signal given by the leaders of the Boers a large body of police in plain clothes, armed with their bâtons, started the riot by forcing their way to and fro across the building, using their bâtons freely upon any British subjects they came across. Simultaneously the large body of Boers in front of the platform, under the leadership of Government officials, and smaller bodies scattered throughout the building, began to lay about them with sticks and iron bars. As soon as this began, several members of the Committee and others sought the protection of the police in uniform, who were drawn up in order outside the building; but their request was refused. Numbers of British subjects thereupon sought the permission of the chairman to defend themselves; but the chairman, remembering his promise to the Transvaal Government, and observing, moreover, that many of the police were armed with revolvers and only waited for an opportunity to use them, refused permission, and called on all British subjects to go quietly home.

“As soon as, upon the request of the chairman, the building became a little more

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empty, and the audience had partly dispersed, the Boers and police, again led and instigated by Government officials, began to break all the furniture and to use the fragments as weapons. The broken furniture was piled up in the middle of the building, and an attempt was made to set the whole on fire. Meanwhile numerous appeals had been made to Commandant Van Dam, the chief of police, and to other members of the police force, to arrest men in the act of rioting; but they refused.

“Although, fortunately, no lives were lost, a great many serious and dangerous assaults were committed by the police and officials upon British subjects, for which it appears hopeless for the aggrieved parties to demand compensation. Throughout the riot the police on duty fraternised with the mob, and even before all the British subjects had left the Amphitheatre this sympathy was most openly expressed; and the police shook hands with the mob, and congratulated them. Two lieutenants of police were carried shoulder-high by the rioters without any expression of disapproval by the commandant. And, when it was all over, Mr. Boshof, the Registrar of the second Criminal Court, ad-

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dressed the mob, and said, 'Men, you have all done your duty splendidly: now you may go home,' or words to that effect."

It only remains to add that the British Government asked the Government of the South African Republic to institute an inquiry into the proceedings at the Amphitheatre meeting, and that this request was met by a flat refusal.

I pass now to the political grievances of the Uitlanders. First, a word as to the political condition of the Uitlander. In 1885 the revenue of the South African Republic was £162,709. This was before there was any considerable Uitlander population. In 1899 the revenue had risen to £4,087,852. Of this sum more than £3,250,000 came out of the pockets of the Uitlanders. Yet these men, who pay more than three-quarters of the taxes, are not permitted to have any voice in the disposition of this vast sum of money. As a direct cause of this, the taxpayers are compelled to put up with whatever kind of government the small body of practically untaxed Boers care to give them. The country is ruled to a considerable extent by means of arbitrary resolutions of the Executive Council; but, even when the ordinary

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course of legislation is pursued, the legislative body is one elected entirely by Boers, and the majority of the tax-payers are absolutely unrepresented.

This great injustice may be looked at from three different standpoints. First, although nothing is said in the Convention of 1884 about enabling the British residents in the Transvaal to renounce their British citizenship and become burghers of the Republic on reasonable conditions, the British Government had every reason to believe that such facilities would be provided; and, in fact, the Convention was signed in that belief. This is apparent from the nature of the discussion which preceded the signing of the Convention of 1884. Part of this discussion was as follows:—

“Sir H. ROBINSON.—Before annexation, had British subjects complete freedom of trade throughout the Transvaal? Were they on the same footing as citizens?”

“Mr. KRUGER.—They were on the same footing as burghers. There was not the slightest difference in accordance with the Sand River Convention.

“Sir H. ROBINSON.—I presume you will not object to that continuing?”

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"Mr. KRUGER.—No, there will be equal protection for everybody.

"Sir E. WOOD.—And equal privileges?

"Mr. KRUGER.—We make no difference as far as burgher rights are concerned. There may, perhaps, be some slight difference in the case of a young person who has just come into the country."

A few days later, at a subsequent meeting, Dr. Jorrisen, one of the Transvaal delegates, corrected Mr. Kruger's answer to Sir E. Wood, Mr. Kruger being present at the time. He said: "What Mr. Kruger intended to convey was this: According to our law a new-comer has not his burgher rights immediately. The words 'young person' do not refer to age, but to the time of residence in the Republic. According to our Constitution you have to reside a year in the country."

But, as the British Government has never demanded the franchise for the Uitlanders as a right under the Convention, we may leave this point, and pass to the second aspect of the matter.

Now, apart from any specified agreements, the right of the tax-payer to representation is one which has been recognised by all civ-

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ilised countries, with the exception of Russia. This right is granted, not only in republics, all of which, with the exception of the South African Republic, are founded and maintain their existence on this very principle, but also in all the European monarchies. It may be said that the demands of the Uitlanders to have a share in the Government of the country of which they form the financial backbone has the sanction of universal consent.

But, lastly, even if we leave out of the question all assertion of specific or general right, we see that the Uitlander tax-payer must have the franchise, because it is an absolute physical impossibility, in point of fact, to take a hundred thousand English-speaking white men and place them permanently in a position of political and economic servitude to seventy-five thousand Boers.

It must not be overlooked that a considerable body of the Boers realise this, and that many of them are in favor of granting the franchise, on reasonable terms, to the Uitlanders.

In August, 1895, a petition signed by 35,483 Uitlanders was laid before the Volksraad, praying that political representation

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might be granted to the law-abiding Uitlander population. Whilst it is true that one member of the Volksraad made a speech when the matter came up, declaring that, if the Uitlanders wanted any rights, they had better come on and fight for them, other members, notably Mr. Jeppe, strongly advised the government to accede to the petition. In the course of a brilliant speech Mr. Jeppe said: "Who are the people who now demand from us a reasonable extension of the franchise? There are, to begin with, almost a thousand old burghers who consent to such extension. There are, in addition, 890 petitioners, also old burghers, who complain that the franchise has been narrowed by recent legislation. There are 5,100, chiefly from the Rand, who ask for extension subject to the ballot, the principle of which has already been adopted by you; and there is lastly a monster petition bearing thirty-five thousand names, chiefly from the Rand gold fields. And, in passing, I may mention that I have convinced myself that the signatures to it, with very few exceptions, perhaps, are undoubtedly genuine.

"Well, this petition has been, practically, signed by the entire population of the Rand.

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There are not three hundred persons of any standing whose names do not appear there. It contains the name of the millionaire capitalist on the same page as that of the carrier or miner; that of the owner of half a district next to that of a clerk; and the signature of the merchant who possesses stores in more than one town of this Republic next to that of the official. It embraces also all nationalities. The German merchant, the doctor from Cape Town, the English director, the teacher from the Paarl,—they have all signed it. So have — and that is significant — old burghers from the Free State, whose fathers, with yours, reclaimed this country. And it bears, too, the signatures of some who have been born in this country, who know no other fatherland than this Republic, but whom the law regards as strangers. Then, too, there are the new-comers. They have settled for good. They have built Johannesburg, one of the wonders of the age, now valued at many millions sterling, and which in a few short years will contain from a hundred to a hundred and fifty thousand souls. They own half the soil, they pay at least three-quarters of the taxes. Nor are they persons who belong to a subservient race. They come from

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countries where they freely exercised political rights, which can never be long denied to free-born men. They are, in short, men who in capital, energy, and education, are at least our equals. All these persons are gathered together, thanks to our law, into one camp. Through our own act, this multitude, which contains elements which the most suspicious amongst us would not hesitate to trust, is compelled to stand together, and so to stand in this most fatal of all questions in antagonism to us. Is that fact alone not sufficient to warn us, and to prove how unstatesmanlike our policy is?

“What will we do with them now? Shall we convert them into friends, or shall we send them away empty, dissatisfied, imbibtered? What will our answer be? Dare we refer them to the present law, which, first, expects them to wait for fourteen years, and even then pledges itself to nothing, but leaves everything to a Volksraad which cannot decide until 1905? It is a law which denies all political rights even to their children born in this country. Can they gather any hope from that?

“Well, should we resolve now to refuse this request, what will we do when, as we

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well know must happen, it is repeated by two hundred thousand one day. You will all admit that the doors must be opened. What will become of us or our children on that day, when we shall find ourselves in a minority of perhaps one in twenty, without a single friend amongst the other nineteen, amongst those who will then tell us they wished to be brothers, but we by our own act made them strangers to the Republic? Old as the world is, has any attempt like ours ever succeeded for long? Shall we say, as a French king did, that things will last our time, and after that we reck not the deluge? Again I ask, What account is to be given to our descendants, and what can be our hope in the future?"

With this clear and convincing statement from a man who is a Boer and a member of the Volksraad, I leave the question of the political grievances of the Uitlanders.

CHAPTER V.

THE Jameson Raid was one of the most unfortunate events that has ever happened in South Africa. Had the Uitlanders already risen in revolt, the whole affair would have taken on a different aspect; for, if with the aid of Jameson and his men the Uitlanders had succeeded in overthrowing the Government of the Republic, the revolt and the incursion would have risen to the plane of a revolution, and its success would have been its justification.

As things turned out, however, the Raid had all the appearance of an act of foreign aggression; and the world at large, in sympathising with President Kruger, naturally failed to remember that, outrageous as the act appeared, it was the outcome of certain intolerable wrongs suffered by the Uitlanders, and that the existence of these wrongs was not in any way affected by the doing of another wrong by a third party. Another unfortunate effect of the Raid was to create a wide impression during the time when the Uitlander grievances were under discussion in 1899 that the grievances were in a large measure the result of the Raid; whereas,



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as a matter of fact, the grievances were its cause. In a similar manner it is generally thought that the excessive armaments of the Boers proceeded from a just fear inspired by the Raid, the truth being that the arming of the Boer population by the Government at the expense of the Uitlanders was one of the contributing causes to the Johannesburg rising.

But the worst feature of the Raid, as far as public opinion in Europe and in America was concerned, was this, that it gave to the Johannesburg reform movement the appearance of an attempt to bring the South African Republic under the British flag,—in other words, to destroy the independence of the Republic. Nothing could be further from the facts, as will readily be seen from the following account of the Raid and the circumstances surrounding it.

In regard to the minor details of the Raid, there exists a considerable conflict of testimony; but the broad facts as here stated represent the affair as it is set forth by a majority of eye-witnesses, and as it appears in the evidence laid before the Jameson Raid Committee of the House of Commons. In all essentials this account agrees with that of

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Mr. J. P. Fitzpatrick, as given in his *The Transvaal from Within*.

The reform movement which eventually led to the Raid was originated and carried on by a body called the Transvaal National Union. It was composed almost entirely of workingmen and mechanics; and until within a few weeks of the outbreak the capitalists and mine-owners viewed the Union with disfavour, preferring, somewhat selfishly, to accept the disadvantages of bad government, which did not weigh so heavily on them as on their subordinates, to the great risks involved in antagonising the Government by continued agitation.

For some years earnest attempts were made by the Union to secure redress for the many grievances suffered by the population of the Rand by means of representations and petitions to the Government.

The American inhabitants of Johannesburg made an especial attempt on their own account to influence President Kruger in the direction of reform; but their efforts were futile. After hearing what a deputation of Americans had to say, he asked them, "If a crisis should occur, on which side shall I find the Americans?" The deputation re-

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plied, "On the side of liberty and good government." The President answered, "You are all tarred with the same brush: you are British in your hearts."

As time passed, however, and it became evident that the yoke, instead of becoming lighter, was being made heavier day by day, it was decided that the only hope of reform lay in an exhibition of force, which, even if it did not actually end in a revolution, would bring home to the Boer Government the great danger of its continued policy of oppression.

Before any steps were taken in this direction, a final effort was made to influence the Government by constitutional agitation; and a monster petition, signed by 35,700 Uitlanders, was laid before the Volksraad. It was rejected with laughter and ridicule. "If the Uitlanders want any rights," said one member, "let them come and fight for them."

At length, it was decided that an attempt must be made to overthrow the Kruger Government by force. In order clearly to define the causes and objects of the proposed revolution, the National Union issued a manifesto in which were set forth the grievances of the

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Uitlanders, the constitutional steps which had been taken to secure their redress, the failure of all such attempts, and the exact scope of the revolutionary movement. The manifesto is too long to be given here in full. Its closing sentences are these : —

“ Why should the Government endeavour to keep us in subjection to unjust laws by the power of the sword instead of making themselves live in the heart of the people by a broad policy of justice? What can be said of a policy which deliberately divides the two great sections of the people from each other instead of uniting them under equal laws, or of the policy which keeps us in eternal turmoil with the neighbouring States? What shall be said of the state-craft, every act of which sows torments, discontent, or race hatred, and reveals a conception of Republicanism under which the only privilege of the majority of the people is to provide the revenue, and to bear the insult, while only those are considered Republicans who speak a certain language and in a greater or less degree share the prejudices of the ruling classes ?

“ I think this policy can never succeed unless men are absolutely bereft of every

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quality which made their forefathers free men, unless we have fallen so low that we are prepared to forget honour, self-respect, and our duty to our children. Once more I wish to state again in unmistakable language what has been so frequently stated in perfect sincerity before, that we desire an independent Republic which shall be a true Republic, in which every man who is prepared to take the oath of allegiance to the State shall have equal rights, in which our children shall be brought up side by side as united members of a strong commonwealth; that we are animated by no race hatred, that we desire to deprive no man, be his nationality what it may, of any right.

“We want: (1) The establishment of this Republic as a true Republic; (2) A Grondwet, or Constitution, which shall be framed by competent persons selected by representatives of the whole people and framed on lines laid down by them,—a Constitution which shall be safeguarded against hasty alteration; (3) An equitable franchise law and fair representation; (4) Equality of the Dutch and English languages; (5) Responsibility to the legislature of the heads of the great departments; (6) Re-

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removal of religious disabilities; (7) Independence of the courts of justice, with adequate and secured remuneration to the judges; (8) Liberal and comprehensive education; (9) Efficient civil service, with adequate provision for pay and pension; (10) Free trade in South African products. That is what we want. There now remains the question which is to be put before you at the meeting of the 6th of January; viz., How shall we get it? To this question I shall expect from you an answer in plain terms according to your deliberate judgment.

CHARLES LEONARD.

Chairman of the Transvaal National Union."

Towards the end of 1895 urgent representations were made to the capitalists of the Rand, with the result that a few weeks before the rising occurred most of these men, who had hitherto held aloof from the movement, seeing that things had reached the breaking strain, threw in their lot with the reformers. Mr. Cecil Rhodes was approached with a request that he would allow the forces of the South African Chartered Company to concentrate near the border of the Republic, in the first instance to afford a

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moral support to the revolutionists, and finally, should the Johannesburgers get into a tight place, to come to their assistance. To this Mr. Rhodes consented; and he gave the necessary orders to Dr. Jameson, the Administrator of the Chartered Company's Territories.

Dr. Jameson went to Johannesburg, and discussed the whole matter with the leaders. The following plan was adopted. The Johannesburg people were to smuggle in five thousand rifles, three Maxim guns, and a million rounds of ammunition. Dr. Jameson was to get together a force of fifteen hundred mounted men with some Maxims and field artillery, and was further to bring with him fifteen hundred spare rifles. A final appeal was to be made to the Government; and, if this, as was feared, should prove futile, Johannesburg was to rise. The first thing would be to seize the Pretoria fort, which contained ten thousand rifles, a dozen field pieces, and twelve million rounds of ammunition, and was very poorly guarded. It was hoped that, with the Pretoria fort in the hands of the reformers, with Dr. Jameson on the border, and with five thousand armed men in Johannesburg, the revolution could

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be effected without any actual fighting ; and that the Government of the Republic would, in order to avert civil war, grant those rights which it had refused to petition.

Before leaving Johannesburg in November, 1895, Dr. Jameson was handed a letter signed by the leaders of the movement. This letter dealt briefly with the condition of affairs, and concluded thus : "It is under these circumstances that we feel constrained to call upon you to come to our aid, should a disturbance arise here. The circumstances are so extreme that we cannot but believe that you and the men under you will not fail to come to the rescue of people who will be so situated. We guarantee any expense that may be reasonably incurred by you in helping us, and ask you to believe that nothing but the sternest necessity has prompted this appeal."

The letter was left undated, and was intended merely for use in justifying Dr. Jameson in the eyes of those to whom he was responsible. Dr. Jameson was informed most emphatically that he was on no account to act on this letter alone, but that he was to wait for a further letter, which would be sent him, before he made

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any attempt to enter the Republic with his forces. It was hoped that his presence on the border would be sufficient, and that no further letter would have to be sent. At any rate, he was solemnly urged not to move unless and until he received a positive request from Johannesburg.

Things stood thus when, about the middle of December, 1895, the Johannesburgers learned that Mr. Cecil Rhodes had failed to understand the stipulation made in connection with calling in of Dr. Jameson: namely, that no attempt was to be made to overthrow the Republic as such, and to bring it under the British flag, but that the independence of the Republic was to be maintained; and that he looked upon this simply as talk for publication. As soon as this became known, a number of the leaders threatened to withdraw altogether from the movement unless positive assurances should be given by Mr. Cecil Rhodes that, in allowing Dr. Jameson to take part in the revolution if he were called on, he would absolutely abandon any idea that the Johannesburgers would attempt to bring the country under the Union Jack.

These assurances were given. But in the

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meanwhile, owing to the failure to secure arms and for other reasons, it was decided by the reformers that an entirely new plan of campaign must be adopted. Accordingly, two trusty messengers, Major Heany and Captain Holden, were sent off to Dr. Jameson, one by special train and the other on horseback, carrying the most positive instructions that no movement was to be made. These messages were delivered to Dr. Jameson in person.

Notwithstanding these messages and a number of urgent telegrams, Dr. Jameson took the bit between his teeth; and on Sunday, Dec. 29, 1895, he started over the border with 583 men, all told, under the command of Lieutenant Colonel Sir John C. Willoughby. This action destroyed all chance of success for the Johannesburgers. In the words of Mr. J. P. Fitzpatrick, "The reformers realised perfectly well the full significance of Dr. Jameson's action. They realised that, even if he succeeded in reaching Johannesburg, he by taking the initiative seriously impaired the justice of the Uitlanders' cause,—indeed, put them hopelessly in the wrong. Apart from the moral or political aspects of the question, there was

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the fact that, either through mistake or by fatuous impulse, Dr. Jameson had plunged them into a crisis for which, as he knew, they were insufficiently provided and prepared, and at the same time destroyed the one chance, the one certainty, on which they had always counted for arms and ammunition. By starting first, he knocked out the foundation of the whole scheme: he made the taking of the Pretoria arsenal impossible."

As soon as it became absolutely certain that Jameson had started, the Johannesburgers began to put their city in a state of defence. The more prominent men organised themselves into a Reform Committee, and issued the following proclamation: "Notice is hereby given that this Committee adheres to the National Union manifesto, and reiterates its desire to maintain the independence of the Republic. The fact that rumours are in course of circulation to the effect that a force has crossed the Bechuana-land border renders it necessary to take active steps for the defence of Johannesburg and the preservation of order. The Committee earnestly desires that the inhabitants should refrain from taking any action which can be

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considered as an overt act of hostility against the Government."

Everybody worked with a will. The first necessity was to organise a police force, as the Boer policemen withdrew from the town in a body. This was done. Then a defence force was got together and placed under competent officers, an ambulance corps was formed, and a Relief Committee was established for the purpose of looking after the women and children and other non-combatants. This Committee was supplied within half an hour of its formation with a fund of £80,000, which was used in housing and feeding the women and children. In order to insure good order, the Reform Committee bought up all the liquor in the drinking-saloons and destroyed it.

Whilst Jameson was advancing towards Johannesburg, two proclamations were published. The first was from President Kruger. It was as follows: "Whereas it has appeared to the Government of the South African Republic that there are rumours* in circulation to the effect that earnest endeavours are being made to endanger the public safety of Johannesburg; and whereas the Government is convinced

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that, in case such rumours may contain any truth, such endeavours can only emanate from a small portion of the inhabitants, and that the greater portion of the Johannesburg inhabitants are peaceful, and are prepared to support the Government in its endeavours to maintain law and order,—now know you that I, Stephanus Johannes Paulus Kruger, State President of the South African Republic, with the advice and consent of the Executive Council, do hereby warn these evil-intentioned persons (as I do hereby urge all such persons to do) to remain within the pale of the law, and all such persons not heeding this warning shall do so on their own responsibility; and I do further make known that life and property shall be protected against which attempts may be made, and that every peaceful inhabitant of Johannesburg, of whatsoever nationality he may be, is called on to support me herein, and to assist the officials charged therewith. And, further, be it made known that the Government is still prepared to take into consideration all grievances that may be laid before it in a proper manner, and to submit the same to the people of the land without delay for treatment.”

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The other proclamation was from Sir Hercules Robinson, High Commissioner of South Africa, and ran: "Whereas it has come to my knowledge that certain British subjects, said to be under the leadership of Dr. Jameson, have violated the territory of the South African Republic, and have cut telegraph wires and done various other illegal acts; and whereas the South African Republic is a friendly State, in amity with Her Majesty's Government; and whereas it is my desire to respect the independence of the said State,—now, therefore, I hereby command the said Dr. Jameson, and all persons accompanying him, to immediately retire from the territory of the South African Republic on pain of the penalties attached to their illegal proceedings; and I do hereby further call upon all British subjects in the South African Republic to abstain from giving the said Dr. Jameson any countenance or assistance in his armed violation of the territory of a friendly State."

The actual fighting between the Boers and Dr. Jameson's force deserves no special notice. After an engagement, which occupied nearly two days, Sir John Willoughby surrendered to Commandant Cronjé at 9.15

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on the morning of January 2, 1896. The force surrendered on condition that the lives of all would be spared, provided that they laid down their arms and guaranteed to pay the expenses incurred in connection with the raid.

The conditions on which Dr. Jameson surrendered were concealed from the Johannesburgers, and the threat of dealing in a summary manner with the captives was used by President Kruger to induce the Johannesburgers to lay down their arms. In other words, although President Kruger knew that, under the terms of surrender, he could not commit any act of violence on the persons of the prisoners, he continually led the Reform Committee to understand that the lives of Jameson and his men were in the hands of the Johannesburgers, thus making it impossible for them to refuse the terms he offered.

Sir Hercules Robinson, the High Commissioner of South Africa, went to Pretoria to assist President Kruger in setting things straight; and one of the most unaccountable things in connection with the negotiations which took place between the Reform Committee, Sir Hercules Robinson, and the agents

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of the South African Republic, is the apparent entire desertion of the Uitlanders by the High Commissioner. This may be best understood by reading the telegrams and other communications addressed by Sir Hercules Robinson to the Johannesburgers and to the Colonial Office. First we have a telegram marked "urgent," addressed to the British agent in Johannesburg: "You should inform the Johannesburg people that I consider that, if they lay down their arms, they will be acting loyally and honourably, and that, if they do not comply with my request, they forfeit all claim to sympathy from Her Majesty's Government and from British subjects throughout the world, as the lives of Jameson and the prisoners are now practically in their hands." From this we see that Sir Hercules Robinson had not even taken the trouble to inquire on what terms Jameson had surrendered. The next telegram which interests us is one to Mr. Chamberlain, dated Jan. 7, 1896: "I need only now say that I have just received a message from Reform Committee, resolving to comply with demand of South African Republic to lay down their arms; the people placing themselves and their interests unre-

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servedly in my hands in the fullest confidence that I will see justice done them. . . . I hope now to be able to confer with the President of the South African Republic and Executive Council as to prisoners and the redress of Johannesburg grievances." On the next day the High Commissioner telegraphed to Mr. Chamberlain: "I shall try to-day to make arrangements with Kruger as to taking over of prisoners; and I will confer with him as to redressing the grievances of the residents of Johannesburg. . . . I intend, if I find that the Johannesburg people have substantially complied with the ultimatum, to insist on the fulfilment of promises as regards prisoners and consideration of grievances."

Surely, after these repeated assurances the Johannesburgers had reason to believe that their grievances would be considered. But Sir Hercules Robinson, as soon as he had arranged about the delivery of Dr. Jameson's force to the British authorities, left Pretoria without even discussing the grievances with President Kruger or making any attempt to hold the latter to the promises contained in his proclamation of December 30.

But on the two following days, Jan. 9

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and 10, 1896, about sixty members of the Reform Committee were arrested and conveyed to Pretoria; and not only did the High Commissioner fail to see these men and get their account of the circumstances attending the raid, but he expressed his desire, equivalent to an order, to the British Resident that that official would not communicate with the prisoners until he had left Pretoria. But Mr. Chamberlain was by no means in sympathy with this entire neglect to deal with the grievances which were, after all, the cause of the whole trouble; and he telegraphed to Sir Hercules Robinson on January 15: "The people of Johannesburg laid down their arms in the belief that reasonable concessions would be arranged by your intervention; and, until these are granted or are definitely promised to you by the President, the root-causes of the present troubles will remain. The President has again and again promised reform, . . . and grave dissatisfaction would be excited if you left Pretoria without a clear understanding on these points. Her Majesty's Government invite President Kruger, in the interests of South African Republic and of peace, to make a full declaration on these matters. . . . It will

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be your duty to use firm language, and to tell the President that neglect to meet the admitted grievances of the Uitlanders by giving a definite promise to propose reasonable concessions would have a disastrous effect upon the prospects of a lasting and satisfactory settlement."

But Sir Hercules Robinson had already left Pretoria. His action in leaving the Republic at the very moment when his efforts might have been so profitably turned towards the removal of the grievances which had been at the bottom of the outbreak can have no justification. Reforms which might have been easily arranged then were not even discussed: the Republic was treated to another exhibition of British incompetence; and President Kruger was given one more reason to believe that he could continue to laugh in security at the attempts of Great Britain to secure justice for her subjects in the Transvaal. As a contributing cause to the present war, the conduct of Sir Hercules Robinson must be set down by the side of Mr. Gladstone's surrender of 1881.

Dr. Jameson and his officers were sent to England, where they were tried under the Foreign Enlistments Act, and sentenced to

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various terms of imprisonment. It would be useless to describe the treatment of the members of the Reform Committee after their arrest, to tell how these men, a large proportion of whom were men of refinement and education, were herded together as though they were the lowest of black felons; how one prisoner, suffering from fever and dysentery, was locked up for twelve hours in a cell nine feet long by five feet six inches wide with four other men, and left unprovided with sanitary provisions of any kind; how by means of liberal bribes the prisoners at last secured their own clothing and the right to purchase food outside the jail; or how the wives and sisters of the prisoners were kept day after day standing for hours outside the jail waiting until the jailer should condescend to inspect their passes. The story is too painful to bear repetition. Those who would know the horrible details of that imprisonment should read Mr. Fitzpatrick's book and Mrs. Lionel Phillips's *Some South African Recollections*.

The indictment served on the prisoners contained four counts: (1) That they had wrongfully, unlawfully, and with a hostile intention to disturb, injure, or bring into

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danger the independence or safety of the Republic, treated, conspired, agreed with, and urged Leander Starr Jameson . . . to come into the territory of the Republic at the head of and with an armed and hostile troop, and to make a hostile invasion, and to march through to Johannesburg. (2) That they had "armed troops ready to assist, and sent assistance to him, and subsequently by seditious speeches made, or caused to be made, in public, with the object to persuade and induce the people there to stand by the aforementioned Jameson in his hostile invasion, and further assisted him, the afore-mentioned Jameson, during his hostile invasion above mentioned, by providing him with provisions, forage, and horses. (3) That they had distributed arms, had enrolled men, had formed military companies, and had erected fortifications. (4) That they had arrogated to themselves and had exercised functions and powers belonging to the Republic, in that they organised a police force, appointed a head officer of the force, and intrusted him with jurisdiction in police cases.

After a good deal of discussion between the State Attorney of the South African Republic and Mr. Wessels, chief advocate for

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the prisoners, the State Attorney offered that, if the four leaders, Lionel Phillips, Francis Rhodes, John Hayes Hammond, and George Farrar, would plead guilty to the first count, he would accept a plea of guilty on counts three and four from the other prisoners, and that he would not press for an exemplary sentence against the leaders. This offer was accepted in good faith by the prisoners. Instead of allowing the cases to come up before the High Court in the ordinary way, the Government imported a judge from the Orange Free State, a Mr. Gregorowski, who was known to be hostile to the prisoners, who, indeed, had boasted before he arrived at Pretoria that he would make short work of the rebels.

The trial of the prisoners was in some respects one of the most remarkable of the century. They had pleaded guilty by arrangement with the State Attorney, who had promised that in consideration of the plea he would not press for exemplary punishment. Accordingly, no evidence was heard against the prisoners. The plea of guilty was accepted, and the prisoners' counsel made an eloquent appeal to the judge. At the conclusion of this address the State Attorney

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rose, and in a most violent speech demanded that the utmost penalty under the Roman-Dutch law — that is, death — should be passed on the leaders. I continue the narrative in the words of Mr. Fitzpatrick, who was present at the trial : “ The usual question as to whether there were any reasons why sentence of death should not be passed upon them having been put and the usual reply in the negative having been received, in the midst of silence that was only disturbed by the breaking down of persons in various parts of the hall — officials, burghers, and in the general public — sentence of death was passed, first on Mr. Lionel Phillips, next on Colonel Rhodes, then on Mr. George Farrar, and lastly on Mr. Hammond. The bearing of the four men won for them universal sympathy and approval, especially under the conditions immediately following the death sentence, when a most painful scene took place in court. Evidences of feeling came from all parts of the room and from all classes of people,— from those who conducted the defence and from the Boers who were to have constituted the jury. The interpreter, translating the sentence, broke down. Many of the minor officials

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lost control of themselves ; and feelings were further strained by the incident of one man falling insensible.

“Sentence was next passed upon the other prisoners. They were condemned to suffer two years’ imprisonment, to pay a fine of £2,000 each, or, as an alternative, suffer another year’s imprisonment, and thereafter to be banished from the State for a period of three years. . . . After passing the minor sentences, the judge gave a short address to the burghers, in which he thanked them for their attendance, and made allusion with evident signs of satisfaction to the manner in which the trial had been brought to a conclusion. A long delay followed, during which the judge proceeded to note his judgments. Once his attention was drawn by a remark of an official, to which he replied promptly, at the same time breaking into a broad smile, but suddenly recollecting the circumstances and the presence of the men sentenced to death, placed his hand over his mouth and wiped the smile away. . . . One more incident — trifling perhaps in itself, but leaving an ineffaceable impression — occurred during the march to the gaol. As the prisoners slowly approached

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the Government buildings, Dr. Leyds, accompanied by one friend, walked out until within a few yards of the procession of sentenced men (a great proportion of whom were personally known to him), and stood there with his hands in his pockets, smiling at them as they went past."

The life of the prisoners in jail was terrible. Not only were they fed like Kafirs and crowded into small and ill-ventilated cells, but they were forced to witness the flogging and torture of a number of native prisoners. One man broke down under the strain, and committed suicide.

The circumstances under which the prisoners had been convicted, and the treatment whilst in jail, caused a wave of indignation to sweep over the whole of South Africa. Representations were made to President Kruger by the inhabitants of several hundred towns in the Cape, in Natal, in the Transvaal, and in the Orange Free State; and a deputation consisting of the mayors of more than two hundred towns set out for Pretoria with the purpose of prevailing on the President to change the sentences. Finally, when the pressure of public sentiment became so strong as to suggest the outbreak of another

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revolt, and after the prisoners had been sounded as to what sums they were prepared to pay for their liberty, President Kruger altered the sentences to a fine of £25,000 for each of the four leaders and a fine of £2,000 each for the others. The total sum paid by the prisoners to the South African Republic exceeded \$1,000,000.

Mr. Chamberlain informed the South African Republic that, if it would send in an account of the damages caused by the Raid, he would call on the South African Chartered Company to pay the Republic whatever sums had been expended in connection with the invasion. In reply the Republic presented a bill for £1,677,938, equal to about \$8,000,000. The bill was divided under two heads,—Material Damages, £677,938; and Moral or Intellectual Damages, £1,000,000. Mr. Chamberlain declined to consider the claim for moral and intellectual damages, and asked that details of the expenditure under the other head should be furnished. When these details came to hand, it was found that many of the items were absurd. For instance, £2,423, equal to \$12,000, was charged for shoeing horses. This claim appears ridiculous in view of the

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fact that the Raid only occupied four days. Again, £4,195, equal to \$20,000, was asked for carts and horses, no account being taken of the fact that these supplies remained the property of the Republic.

The South African Chartered Company, however, expressed its readiness to pay all expenses for which vouchers were produced. The vouchers were never forwarded, and there the matter of compensation rests.

CHAPTER VI.

As might naturally be expected, the lot of the Uitlanders, after the Jameson Raid, became harder and harder, notwithstanding the fact that President Kruger solemnly promised, after Jameson's men had laid down their arms, that he would inquire into and redress their grievances. At length, on March 24, 1899, a petition signed by 21,648 Uitlanders was forwarded by the High Commissioner to Her Majesty, praying that she would intervene to secure just treatment for the British Uitlanders.

The chief grounds for the petition were stated to be: the failure of President Kruger to institute the reforms promised after the Jameson Raid; the continuation of the dynamite monopoly and its attendant grievances, notwithstanding the fact that a government commission, consisting of officials of the Republic, had inquired into the matter and suggested many reforms; the subjugation of the High Court to the executive authority, and the dismissal of the Chief Justice for his earnest protest against the interference with the Court's independence; the selection of none but

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burghers to sit on juries; the aggressive attitude of the police towards the Uitlanders; the continued outrages on the persons and property of British subjects; taxation without representation; and the withholding of educational privileges from the children of Uitlanders. These grievances I have dealt with in a previous chapter. After some correspondence between the two Governments, and a friendly suggestion from the President of the Orange Free State, a conference was arranged between Sir Alfred Milner, the High Commissioner of South Africa, and President Kruger. The conference took place at Bloemfontein, the capital of the Orange Free State, and lasted from May 31 to June 5. I have before me a verbatim report of the proceedings.

The position taken by Sir Alfred Milner was that there were a number of open questions between the two Governments, which increased in importance as time went on, and that the tone of the controversy was becoming more acute. There were two methods by which things could be settled: one was by giving the Uitlanders such fair proportion of representation in the first Volksraad as would enable them to work

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out gradually the needed reforms ; the other, for the Government of Great Britain to adopt that course which, in similar circumstances, would be adopted in regard to grievances of British subjects in any country, even in a country not under specified conventional obligations to Her Majesty's Government,—that is, by raising each point separately, and showing how the intense discontent of British subjects stood in the way of that friendly relation which it was desired should exist between the two Governments. Of these two methods, Sir Alfred Milner thought that the former would be the better ; for if a fair franchise were granted to the Uitlanders most of the questions pending between the two Governments could be dropped as specific issues, and the remaining ones could be settled by friendly discussion. If he could persuade President Kruger to grant a fair franchise,—not as a right which could be claimed under the Conventions, but as a concession calculated to remove serious elements of discord,—all that was needed to set things right would then be effected by a movement within the State, the danger of continual and irritating pressure from outside would

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be removed, and the independence of the Republic would be strengthened. Sir Alfred Milner pointed out that the existing franchise law compelled an alien, after renouncing allegiance to his own Government, to wait twelve years before he was granted citizenship in the Transvaal, and that even then there was much uncertainty whether he would get the franchise. It was to be recalled that those men who had come into the Republic in 1886, and had been promised citizenship at the end of five years, were informed, just before the term of five years ended, that the law had been changed, and they would have to wait seven years longer.

Sir Alfred Milner then proposed that the franchise should be granted to every white man who had been five years in the country, and was prepared to take oath to obey the laws, to undertake all the obligations of citizenship, and to defend the independence of the country, it being understood that by taking such an oath he renounced his citizenship of any other country. A property qualification and good character were to be conditions. The assertion has been frequently made that Sir Alfred Milner wished

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to secure the citizenship of the Transvaal for British subjects under conditions which would still allow them to remain British subjects.

This statement is so absurd on the face of it that it seems scarcely to deserve notice. But, as it has been so persistently repeated, I may point out that under no law that exists or ever has existed in any country can a man who has taken an oath of allegiance to one State claim at the same time citizenship of another State. There was, it is true, some discussion as to the exact wording of the proposed oath of allegiance; but it must be remembered in this connection that Sir Alfred Milner was not making a demand for the franchise, but merely suggesting to President Kruger certain conditions under which Great Britain would be prepared to abandon the attempt to secure redress for hundreds of specific grievances suffered by British subjects in the Republic. He did not say, "You must give me oath of allegiance of a certain kind," but, "If you care to give me an oath of this kind, I would accept it as a solution of the difficulties we are discussing."

In order to leave no doubt in the minds

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of my readers as to what Sir Alfred Milner proposed in regard to franchise, I quote his exact words as given in the Transvaal Green Book, in which the Bloomfontein Conference was reported : —

“ WEDNESDAY, May 31, 1899.

“ *The High Commissioner.*—I must endeavour to make my position clear with regard to what we are now discussing, for according to my opinion the franchise is an important part of the subject. I object to the position of the franchise as it exists at present, and that utterly,—particularly to that point to which I will refer first; namely, I consider it unreasonable to ask a man to forswear citizenship, when he does not in reality get anything in place of the rejected allegiance. And I consider it superfluous to demand from such person more than an oath of allegiance, and a willingness to obey the laws and to defend the independence, as it is well known and certain that the taking of that oath robs him of his then existing burghership.”

In reply to this proposal, President Kruger urged that the Uitlanders did not want the franchise, and would not take it on any

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terms; and, also, that, if he granted Sir Alfred Milner's request, the country would be controlled by foreigners, and all power taken from the old burghers,—propositions which are mutually destructive. But on the third day of the conference President Kruger himself presented a new franchise proposal. This was passed by the Volksraad at once, before the British authorities had any time to examine it. After it was published, it appeared on its very face so full of intricacies that its effect as a measure of reform was a matter of serious doubt. Under its terms an alien could apparently secure the franchise in seven years, but the conditions were so complicated that to fulfil them was impossible. To give only one example: A man who desired the franchise must first signify his intention in writing to the Fieldcornet, the Landdrost, and the State Secretary. Two years later he might become naturalised (without receiving full burgher rights), provided he produced a certificate, signed by the Fieldcornet, the Landdrost, and the commandant of the district, to the effect that he had never broken any of the laws of the Republic. If these officials were not sufficiently well-

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acquainted with the private life of the applicant to grant such a certificate, then a sworn statement to the same effect from two prominent full burghers would suffice. At the termination of another five years the applicant, having six months previously signified his intentions in writing to the Fieldcornet, the Landdrost, and the State Secretary, might apply for the full franchise. He must then furnish the certificate alluded to above. This, together with his application, must be indorsed by the Fieldcornet and the Landdrost. Both were then to be passed to the State Secretary, who should hand them on to the State Attorney, who should return them with a legal opinion to the State Secretary. If the opinion were favourable, the man might be granted the full franchise. If not, the matter was to be referred to the Executive Council.

If this account appears involved, I can only refer my readers to the law itself, when it will be seen that I have selected for explanation by no means the most complicated conditions.

It must be noted that the law contains no compelling clauses. Under the conditions set forth the Uitlander *may* be granted the

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franchise. Nowhere does the law say that after fulfilling the conditions he *shall* have the franchise. It is all left finally to the mere will of the officials charged with the carrying out of the law.

In view of the opinion expressed by Sir Alfred Milner and prominent Uitlanders, that on the face of it the law appeared almost unworkable, Mr. Chamberlain telegraphed, asking for the appointment of delegates from the Transvaal and from the British side to discuss the new law, to see if it would, as a matter of fact, effect the needed reforms. To Mr. Chamberlain's request for a joint inquiry the Transvaal Government sent a reply in which nothing was said about the joint inquiry, but in which a proposal was made for a new franchise law. The basis of the new proposal was a five years' retrospective franchise. The following conditions, which I take verbatim from the Transvaal Government's official translation of its note, were attached: The proposals of this Government regarding questions of franchise and representation must be regarded as expressly conditional on Her Majesty's Government consenting to the points set forth in paragraph five of

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that despatch, namely: (a) In future not to interfere in internal affairs of the South African Republic. (b) Not to insist further on its assertion of existence of suzerainty. (c) To agree to arbitration. Further, it was explicitly stated by the State Attorney that these offers could only be understood to stand if England decided not to press her request for a joint inquiry into the political representation of the Uitlanders. There can be no doubt about this rejection of the joint inquiry, for the draft of the telegram in which the British agent conveyed the suggestions to Sir Alfred Milner was initialed by the State Attorney himself.

In reply, Mr. Chamberlain said he was prepared to waive the joint inquiry if the British agent, assisted by competent men, should be allowed to investigate the terms of the proposal. In regard to intervention, Her Majesty's Government hoped that the fulfilment of the promises made, and the just treatment of the Uitlanders in future, would render unnecessary any further intervention on their behalf; but they could not, of course, debar themselves from their rights under the Conventions nor divest themselves of the ordinary obligations of a civilised

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power to protect its subjects in a foreign country from injustice. As to the suzerainty, the condition imposed could not be accepted, as Her Majesty's Government were of opinion that the contention of the South African Republic to be a sovereign international State was not warranted either by law or by history, and was entirely inadmissible. In reference to arbitration, Mr. Chamberlain agreed to the discussion of the form and scope of such a tribunal, and suggested an early conference.

The Transvaal replied that it regretted the refusal of Her Majesty's Government to accept the conditions annexed to the latest franchise proposals, which proposals it now withdrew. The Transvaal having refused the joint inquiry into the working of the seven years' franchise law, nothing was left between the two parties but Sir Alfred Milner's proposal put forth at Bloemfontein. However, Mr. Chamberlain made one more effort for a peaceful settlement. In a despatch dated Sept. 9, 1899, he stated that Her Majesty's Government was still willing to accept the Transvaal's offer of a five years' franchise, without the conditions attached; that the acceptance of this

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offer would at once remove the tension between the two Governments, and would in all probability render unnecessary any further intervention on the part of Her Majesty's Government to secure the redress of the Uitlander grievances; further, that such questions as remained for settlement between the two Governments — those which were neither Uitlander questions nor questions of interpretation of the Conventions — might be referred to a tribunal of arbitration. If the answer, however, to this last proposal was negative or inconclusive, Her Majesty's Government would reserve the right to reconsider the situation *de novo*, and to formulate their own proposals for a final settlement.

On Sept. 22, 1899, Mr. Chamberlain telegraphed to Sir Alfred Milner, "Her Majesty's Government have on more than one occasion repeated their assurances that they have no desire to interfere in any way with the independence of the South African Republic, provided that the conditions on which it was granted are honourably observed in the spirit and in the letter; and they have offered as part of a general settlement to give a complete guarantee against any attack

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upon that independence, either from within any part of the British dominions or from the territory of a foreign State." Sir Alfred Milner was instructed to communicate this to the Government of the South African Republic.

The Republic rejected Mr. Chamberlain's qualified acceptance of the five-year franchise and his assurances that Great Britain had no designs on the independence of the country. Then followed a period during which both sides began to prepare for hostilities. It seems impossible to determine which side took the first step in this direction. The British authorities at the Cape declare that they received positive information that the troops of the Republic were being concentrated on the Natal border, and that as a measure of self-defence it was necessary to re-enforce the British outposts and send for more regiments. The Republic, on the other hand, place the facts the other way.

On the 9th of October, 1899, whilst the British Government was still considering the nature of the fresh proposals for a settlement which it intended to lay before the Republic, President Kruger, through his State Secre-

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tary, issued the following ultimatum: “(a) That all points of mutual difference shall be regulated by the friendly course of arbitration or by whatever amicable way may be agreed upon by this Government with Her Majesty’s Government. (b) That the troops on the borders of this Republic shall be instantly withdrawn. (c) That all re-enforcements of troops which have arrived in South Africa since the 1st of June, 1899, shall be removed from South Africa within a reasonable time, to be agreed upon with this Government, and with a mutual assurance and guarantee on the part of this Government that no attack upon or hostilities against any portion of the possessions of the British Government shall be made by the Republic during further negotiations within a period of time to be subsequently agreed upon between the Governments; and this Government will, on compliance therewith, be prepared to withdraw the armed burghers of this Republic from the borders. (d) That Her Majesty’s troops which are now on the high seas shall not be landed in any port in South Africa.

“This Government must press for an immediate and affirmative answer to these four

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questions, and earnestly requests Her Majesty's Government to return such an answer before or upon Wednesday, the 11th of October, 1899, not later than five o'clock P.M.; and it desires further to add that, in the event of unexpectedly no satisfactory answer being received by it within that interval, it will with great regret be compelled to regard the action of Her Majesty's Government as a formal declaration of war, and will not hold itself responsible for the consequences thereof; and that, in the event of any further movements of troops taking place within the above-mentioned time in the nearer directions of our borders, this Government will be compelled to regard that, also, as a formal declaration of war."

This brief narrative of the history and causes of the Anglo-Boer Conflict may be brought to a close by the transcription of two telegrams from Mr. Chamberlain to Sir Alfred Milner. The first is dated Oct. 10, 1899, and runs: "Her Majesty's Government have received with great regret the peremptory demands of the Government of the South African Republic. You will inform the Government of the South African Republic, in reply, that the conditions demanded

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by the Government of the South African Republic are such as Her Majesty's Government deem it impossible to discuss."

The second telegram is dated Oct. 11, 1899. "Most urgent. Inform British agent in South African Republic that the Government of the United States has been asked to allow their consul to take charge of agency. Let British agent try to arrange accordingly pending reply."

The Boer ultimatum expired at five o'clock on the 11th of October, 1899, and within a few hours the troops of the Republic invaded the British Colony of Natal.

Hostilities are still in progress as I write. Before they are concluded, thousands of brave Boers, thousands of brave British soldiers, will have laid down their lives. And the cause of it all, in a word, the fatuous attempt of one man to govern a Republic at the end of the nineteenth century by the methods of the seventeenth.



APPENDIX

APPENDIX.

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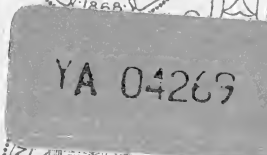
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